

Nora L. Pickering, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania.

George H. Reitenbaugh, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania.

Caleb S. Brinton, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania.

Anna H. Griscom, to be postmaster at Jenkintown, in the county of Montgomery and State of Pennsylvania.

W. V. Campbell, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania.

John S. Weaver, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania.

George W. Honsaker, to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania.

TEXAS.

William J. Miller, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas.

Otto Heilig, to be postmaster at New Braunfels, in the county of Comal and State of Texas.

Leander Hopkins, to be postmaster at Ferris, in the county of Ellis and State of Texas.

Ulysses G. Roach, to be postmaster at Celeste, in the county of Hunt and State of Texas.

VERMONT.

Buel J. Derby, to be postmaster at Burlington, in the county of Chittenden and State of Vermont.

Emeroy G. Page, to be postmaster at Hyde Park, in the county of Lamoille and State of Vermont.

WEST VIRGINIA.

Edwin H. Flynn, to be postmaster at Spencer, in the county of Roane and State of West Virginia.

D. P. Stout, to be postmaster at West Union, in the county of Doddridge and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, March 2, 1903.

[Continuation of legislative day of February 26, 1903.]

The recess having expired, the House was called to order at 11 a. m. by the Speaker.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays on the pending motion.

Mr. RICHARDSON of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York demands the yeas and nays. A quorum is not needed to order the yeas and nays.

Mr. RICHARDSON of Tennessee. There must be a quorum to transact business, and we have not been in session for eighteen hours. I insist that we should have a quorum.

Mr. LACEY. It is not necessary to have a quorum to order the yeas and nays.

The SPEAKER. The gentleman must bear in mind that the thing that the gentleman from New York asks does not need a quorum. The Chair must overrule the point of order.

Mr. RICHARDSON of Tennessee. Does the Chair hold that it does not need a quorum to transact business? Is the Chair going to hold that it does not require a quorum?

The SPEAKER. Speaker Randall and Speaker Carlisle both held that a quorum was not needed to order the yeas and nays.

Mr. RICHARDSON of Tennessee. Of course.

The SPEAKER. And the present occupant of the Chair so holds, and overrules the point of order. The question is on ordering the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 203, nays 7, answered "present" 21, not voting 120; as follows:

YEAS—203.

Acheson,	Boutell,	Butler,	Dalzell,
Adams,	Bowersock,	Caldwell,	Darragh,
Adamson,	Bowie,	Candler,	Davis, Fla.
Allen, Ky.	Brandegee,	Capron,	Deemer,
Allen, Me.	Breazeale,	Cassel,	Dick,
Aplin,	Brick,	Cassingham,	Dovener,
Babcock,	Bromwell,	Clayton,	Draper,
Bail, Del.	Broussard,	Connell,	Driscoll,
Bartholdt,	Brown,	Coombs,	Dwight,
Bartlett,	Brownlow,	Cooper, Wis.	Eddy,
Bates,	Bull,	Cousins,	Emerson,
Beidler,	Burgess,	Cowherd,	Esch,
Beil,	Burk, Pa.	Cromer,	Evans,
Benton,	Burke, S. Dak.	Crowley,	Finley,
Billmeyer,	Burleigh,	Crumpacker,	Flanagan,
Bishop,	Burleson,	Currier,	Fleming,
Boring,	Burton,	Cushman,	Fletcher,

Foerderer,	Jenkins,	Moon,	Smith, H. C.
Fordney,	Johnson,	Morris,	Smith, S. W.
Foss,	Jones, Va.	Moss,	Southard,
Fowler,	Jones, Wash.	Mudd,	Sperry,
Gaines, Tenn.	Joy,	Mitchler,	Spight,
Gaines, W. Va.	Kahn,	Needham,	Stark,
Gardner, Mass.	Kehoe,	Olmsted,	Steele,
Gardner, Mich.	Knapp,	Otjen,	Storm,
Gardner, N. J.	Kyle,	Overstreet,	Swanson,
Gibson,	Lacey,	Palmer,	Tate,
Gillet, N. Y.	Latimer,	Parker,	Tawney,
Graff,	Lawrence,	Patterson, Pa.	Taylor, Ohio
Graham,	Lessler,	Payne,	Taylor, Ala.
Greene, Mass.	Lester,	Pearre,	Thomas, Iowa
Grosvenor,	Lewis, Pa.	Perkins,	Tirrell,
Grow,	Littauer,	Powers, Me.	Trimble,
Hamilton,	Lloyd,	Powers, Mass.	Underwood,
Hanbury,	Long,	Reeder,	Van Voorhis,
Hay,	Loud,	Reeves,	Vreeland,
Hedge,	Loudenslager,	Rhea,	Wadsworth,
Henry, Conn.	Lovering,	Richardson, Ala.	Wagoner,
Hepburn,	McAndrews,	Robb,	Wanger,
Hildebrandt,	McCall,	Roberts,	Warner,
Hill,	McCleary,	Robinson, Ind.	Warnock,
Hitt,	McClellan,	Russell,	Watson,
Holliday,	McLachlan,	Scott,	Weeks,
Hooker,	Mahon,	Selby,	Wiley,
Howard,	Martin,	Shattuc,	Williams, Ill.
Howell,	Mercer,	Sheppard,	Williams, Miss.
Hull,	Miers, Ind.	Showalter,	Woods,
Irwin,	Miller,	Sibley,	Wright,
Jack,	Minor,	Slayden,	Young,
Jackson, Kans.	Mondell,	Smith, Ill.	Zenor.
Jackson, Md.	Moody,	Smith, Iowa	

NAYS—7.

Fitzgerald,	Randell, Tex.	Sims,	White.
Padgett,	Rucker,	Smith, Ky.	

ANSWERED "PRESENT"—21.

Creamer,	Goldfogle,	Mann,	Shackelford,
Curtis,	Haskins,	Marshall,	Sherman,
Dayton,	Hopkins,	Metcalf,	Stephens, Tex.
De Armond,	Kluttz,	Richardson, Tenn.	
Gilbert,	Lindsay,	Rixey,	
Gillett, Mass.	McRae,	Schirm,	

NOT VOTING—120.

Alexander,	Elliott,	Lever,	Ryan,
Ball, Tex.	Feely,	Lewis, Ga.	Scarborough,
Bankhead,	Flood,	Little,	Shafroth,
Barney,	Foster, Ill.	Littlefield,	Shallenberger,
Bellamy,	Foster, Vt.	Livingston,	Shelden,
Belmont,	Fox,	McCulloch,	Skiles,
Bingham,	Gill,	McDermott,	Small,
Blackburn,	Glass,	McLain,	Smith, Wm. Alden
Blakeney,	Glenn,	Maddox,	Snodgrass,
Brantley,	Gooch,	Mahoney,	Snook,
Bristow,	Gordon,	Maynard,	Southwick,
Brundidge,	Green, Pa.	Meyer, La.	Sparkman,
Burkett,	Griffith,	Mickey,	Stevens, Minn.
Burnett,	Griggs,	Morgan,	Stewart, N. J.
Calderhead,	Haugen,	Morrell,	Stewart, N. Y.
Cannon,	Heatwole,	Naphe,	Sulloway,
Clark,	Hemenway,	Neville,	Sulzer,
Cochran,	Henry, Miss.	Nevin,	Sutherland,
Conner,	Henry, Tex.	Newlands,	Swann,
Conry,	Hughes,	Norton,	Talbert,
Cooney,	Jett,	Patterson, Tenn.	Thayer,
Cooper, Tex.	Kern,	Pierce,	Thomas, N. C.
Corliss,	Ketcham,	Pou,	Thompson,
Dahle,	Kitchin, Claude	Prince,	Tompkins, N. Y.
Davey, La.	Kitchin, Wm. W.	Pugsley,	Tompkins, Ohio
Davidson,	Kleberg,	Ransdell, La.	Vandiver,
Dinsmore,	Knox,	Reid,	Wachter,
Dougherty,	Lamb,	Robertson, La.	Wheeler,
Douglas,	Landis,	Robinson, Nebr.	Wilson,
Edwards,	Lassiter,	Ruppert,	Wooten.

So the conference report was agreed to. The following additional pairs were announced:

Until further notice:
 Mr. CALDERHEAD with Mr. DAVEY of Louisiana.
 Mr. CANNON with Mr. MCRAE.
 Mr. GILL with Mr. MAHONEY.
 Mr. CONNELL with Mr. COOPER of Texas.
 Mr. MILLER with Mr. STEPHENS of Texas.
 Mr. HASKINS with Mr. LAMB.
 Mr. GILLET of Massachusetts with Mr. NAPHEN.
 Mr. KETCHAM with Mr. LIVINGSTON.
 Mr. METCALF with Mr. WHEELER.
 Mr. LANDIS with Mr. WILLIAM W. KITCHIN.
 Mr. BLAKENEY with Mr. ELLIOTT.
 Mr. SHELLEN with Mr. RANSDALL of Louisiana.
 Mr. WACHTER with Mr. ROBERTSON of Louisiana.
 Mr. KNOX with Mr. SNOOK.

On this vote:
 Mr. HEATWOLE with Mr. NEWLANDS.
 Mr. DAVIDSON with Mr. THOMAS of North Carolina.
 Mr. WM. ALDEN SMITH with Mr. SMALL.
 Mr. SOUTHWICK with Mr. CLAUDE KITCHIN.
 Mr. TOMPKINS of New York with Mr. MAYNARD.
 Mr. NEVIN with Mr. MADDOX.
 Mr. BARNEY with Mr. LITTLE.
 Mr. SCHIRM with Mr. REID.

Mr. FLOOD. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. FLOOD. I should like to vote.

The SPEAKER. Was the gentleman in his seat and listening when his name should have been called?

Mr. FLOOD. I do not know about that.

The SPEAKER. Under the rule, the gentleman can not vote.

Mr. THOMAS of North Carolina. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. THOMAS of North Carolina. I was detained at the Post-Office Department.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FAIRBANKS, Mr. WARREN, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Also:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. PETER JOHNSTON OTEY, late Representative in Congress from the Sixth Congressional district of Virginia.

Resolved, That the business of the Senate be now suspended that proper tribute may be paid to his memory.

Resolved, That as a further mark of respect the Senate will, upon the conclusion of these memorial exercises, adjourn.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate its message of February 28, 1903, requesting the House of Representatives to return to the Senate the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I call up a privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House Nos. 475 and 479, have considered the same and report with the recommendation that it do pass the following in lieu thereof:

Resolved, That immediately upon the adoption of this order, or at any time thereafter, the Speaker may lay before the House the bill (H. R. 12199) to regulate the immigration of aliens into the United States, now on the Speaker's table, and, the Senate amendments thereto having been read, the question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

And further, that for the remainder of this session whenever a conference report shall have been presented and read, there shall be ten minutes of debate, and at the end of that time the previous question shall be considered as ordered on agreeing to said report.

Mr. GROSVENOR. Mr. Speaker, the rule presents two propositions for the consideration of the House. The first makes it possible to bring up at a time within the discretion of the Speaker the immigration bill, which passed the House and has passed the Senate with amendments. The provision is that whenever the Speaker is ready to lay that bill before the House it is in order to do so.

The second proposition involved in the rule is that for the remainder of this session whenever a conference report shall have been presented and read there shall be ten minutes' debate upon the report, and no more, and at the end of that time the previous

question shall be considered as ordered on agreeing to said report. The House will see that that eliminates one roll call on each conference report and limits the debate upon the conference report. Mr. Speaker, if there is no debate demanded or required, I will ask for the previous question.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have the gentleman yield to us the usual twenty minutes.

Mr. GROSVENOR. Certainly; if the gentleman from Tennessee desires twenty minutes he can have it and control it. I will reserve the balance of my time.

Mr. BARTHOLDT. Mr. Speaker, I should like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. GROSVENOR. Yes; for a question.

Mr. BARTHOLDT. According to this rule in the case of conference reports there are ten minutes of debate. Why is not the same principle accorded to the immigration bill? I understand the immigration bill has been changed in the Senate beyond recognition, and it seems to me the House is entitled to know what the bill is at the present time. If the bill is passed without an opportunity for discussion, I think it is not quite fair toward those who take an interest in that question.

Mr. GROSVENOR. It is enough to say, Mr. Speaker, that the subject-matter has been before Congress for a long time, and only by unanimous consent can we have any debate upon it.

Mr. PAYNE. Let me ask the gentleman, is not that the same provision already adopted in relation to appropriation bills?

Mr. GROSVENOR. Yes; it is the same.

Mr. PAYNE. And in regard to the discretion given the Speaker, I suppose that is provided for in order that the Speaker may lay before the House appropriation bills?

Mr. GROSVENOR. So the appropriation bills may have their right of way. Mr. Speaker, I reserve the remainder of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, there are a number of reasons why this rule should not be adopted. In the first place, the most important part of the rule is that section that provides that the great conference reports coming before this House, carrying millions of dollars, items involving the great expenditures for the Government, shall be considered in this House with only ten minutes of debate.

The Republican party presents this spectacle before the country: That it is unable to do business and give that business consideration. It shows that the individual members of this House are no longer to be trusted in the councils of the nation; that a few men who constitute the leadership of this House, and the men who are on the conference committees, must determine what legislation the country shall have, and the membership of this House, regardless of the responsibilities which they owe to their constituencies, must be forced under whip and spur, with their mouths gagged, to appropriate millions of dollars without knowing what items they are voting for. That is the effect of the first clause of this rule which is brought in here for you to adopt.

The second clause provides that you shall reject every Senate amendment to the immigration bill without an opportunity to consider it—that you must either pass the bill as it comes from the Senate, with the House bill emasculated practically in full, or send it back to the Senate with your conferees practically instructed to lie down and accept the bill as passed by the Senate.

There is one provision in the bill as it comes back from the Senate to which I would agree, and most heartily. I refer to the clause inserted here in the House bill that will prevent the selling of liquor in the Capitol of the United States. But outside of that single provision there is not one part of the House bill left that amounts to anything. It is merely a codification of the old laws with a few immaterial changes. The House bill raised the head tax from \$1 to \$1.50. The Senate bill puts that tax at \$2. That is practically all that is left of the House bill. I ask you what has become of the provision of the House bill to protect the American laborer against the pauper labor of Europe?

Mr. SHATTUCK rose.

Mr. UNDERWOOD. I have but five minutes and can not yield. I ask the gentleman not to interrupt me.

That provision of the House bill has been stricken out. The bill as it passed the House of Representatives provided an educational qualification for immigrants, so that the honest American laborer should not be forced to come in contact and in competition with the scum labor of Europe. It was not at the instance of the great transportation companies that that provision was put in this bill, but it was at the request and instance of labor itself. The united labor of this country petitioned Congress to protect it against the pauper labor of Europe; and yet to-day, when the Senate of the United States, at the instance of the great transportation companies of this country, has stricken out that

provision from the bill, the measure is brought back here, and under the order of this rule you are told to surrender the rights of those whom, as you showed by a very large vote when this bill was before the House, you were in favor of protecting.

You are ordered to surrender the rights of honest labor to corporate greed, with no chance left to protect the rights of your constituents.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield six minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is said that babbling brooks have their lessons and that there is a sermon in every stone. Perhaps there is a lesson in the present parliamentary situation. The partisan Republican press is solicitously trying to persuade the country that the Democratic minority, out of "revenge" because we did not "keep a Democrat in his seat," are attempting now to "hold up" the Government, to "stop the appropriations," "to stab the Government," and "suck away its life blood," and all that sort of thing. The country ought to know that present appropriations continue until July 1 next. It is well enough for the country to know that this situation is broader than that—very much broader in the lesson which it ought to teach.

Mr. Speaker, the Democrat minority is not acting simply out of a spirit of "revenge." It has had Democrats turned out, not once, but many times, without resort to present tactics. It has become necessary to teach the majority that it must respect the rights of the minority on this floor now and hereafter. [Applause on the Democratic side.] That is what this situation means. Had your rules been more generous, or if, with the strength of a giant, you had not attempted under your rules to act like a giant—brutally and unreasonably; if you had not attempted to bring 2,300 pages of evidence into this body and turn a member out upon that evidence before a single member of this House could learn its import—evidence that could not possibly be explained to the House in less than two legislative days; if you had allowed reasonable discussion—five hours on our side—and then had gone on and done what was right, there would have been no complaint. Had you done that, there would have been 28 or 30 members on the other side of the Chamber, fair and true—and, in my opinion, more than that number—who, hearing the testimony, would not have joined in perpetrating the outrage which you perpetrated the other day—not on evidence, but from personal prejudice and partisan blindness—this situation would not exist.

This situation means that the minority is hereafter going to use every constitutional and every parliamentary right which it has on this floor to make itself respected. And if, in the Fifty-eighth Congress, you turn out this or another man elected by 6,000 majority, just because you have a giant's strength, and choose to use it like a giant under your rules, then you will find that in that Congress, as in this, you will have to reckon with the minority.

You will lose time, prestige, and respect.

Suppose you have, by your unjust conduct, forced an extra session. You ought to welcome it. You would get a chance to pass the Littlefield bill, for which all of you voted in the House, through the Senate. You would get a chance to give the Interstate Commerce Commission power to fix reasonable freight rates for interstate commerce. You would get time to keep your statehood pledges to Arizona and New Mexico, time to deliver the goods you have promised to the bankers in the shape of a Fowler bill or an Aldrich bill.

Now, Mr. Speaker, this morning you bring in another rule. Do you know, Mr. Speaker, what you and your Republican colleagues remind me of? You remind me of the hero of the story of the first funeral at Wolfville in Alfred Henry Lewis's *Tales of Wolfville*.

The town had grown. It had baseball, it had put up a theater and opera house, and it had six or eight keno places. It was thriving like young towns in Arizona do. They had bought a cemetery and put an iron fence around it, and all that they waited for was a "stiff," as they called him, "to plant." After a while a gentleman was unfortunately killed one morning. The entire town met in mass meeting and concluded to have a funeral worthy of the deceased, a funeral which would do honor to the village. They met in solemn conclave and decided that every citizen would turn out and each should say something about the corpse. Some fellow explained that the chief thing at a funeral was to remember "*de mortuis nil nisi bonum*," which upon being explained was interpreted to mean that you "mustn't say nothin' bad about the stiff;" whereupon they all went out and all obeyed the rule until a certain man was reached, who felt that he could not help going into the character of the deceased just a little bit. He said, "Gentlemen, I must say this much," after having praised him a great deal, "that the corpse did have one serious defect.

He hardly ever played a game to the finish without wanting to change the rules to suit his hand." [Applause and laughter on the Democratic side.]

Now, this is the second time you gentlemen have come in to change the rules to suit your hand, and yet you have told us frequently beforehand that you have rules under which you could do business. I will tell you why you did business under them. You did it because you had a patriotic minority that wanted right business done, and whenever you fail to respect the rights of that minority they will show you that under whatever rules you may adopt—because there are some few things which you can not change, the constitutional right for a fifth to have the yeas and nays and a few things like that—they will teach you now and hereafter that their rights must be respected. We ask nothing but right, not favors nor generosity, and I want the country to understand that this fight is upon a higher plane than mere revenge for a contested-election case. I remember another thing in the *Wolfville Tales* that might be inscribed upon the tombstone of the Republican party when it comes to die. [Laughter and cries of "Oh" on the Republican side.]

Oh, it will die. Every "old party" that has ever faced the Democracy has died. [Applause on the Democratic side.] It is just a question of time. We are the old historic party. You change your clothes from time to time, and your name, but you are under your clothes the same old Federalistic skeleton and the people always after a while find it out. [Applause on Democratic side.] There is another saying in the *Wolfville Tales*, as I was about to say, which I think ought to be inscribed on the tombstone of the Republican party when it dies, and that was the utterance of one man who—

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield three minutes more to the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Speaker, he said that "the straight sort of a fellow is not the fellow who holds the best hand, but the fellow that makes a bad hand win." [Applause and laughter.] He foresaw the Republican spirit. Now, I want to call attention to this first rule that changes the rules of the House to suit your hand. Here it is. Here is the question. Have you gentlemen noticed that whenever the Speaker gets up to put this question he raises this thing up and reads it, for fear he might make a mistake? [Laughter.]

Will the House agree to said amendments en bloc and ask a conference with the Senate?

Why, that is not even law French. That is good French, and it is the first time in the history of the world that good French was ever put in an English law. Have you ever noticed that when people want to do or excuse something mean they clothe the idea in French?

I am confidentially informed, although I do not want to give away the secrets of a committee, that when this matter came up in the Rules Committee the gentleman from Illinois [Mr. CANNON] turned at once to the Speaker and said: "Mr. Speaker, what do these words 'en bloc' here mean? Of course I am going to stand behind you, and I am going to defend whatever we do, but it is nothing but right to let me know what I am defending before I get in." [Laughter.] Whereupon the Speaker is reported to have said: "Joe, upon my soul, I don't know what they mean myself." [Laughter.]

And he is reported to have turned to that scholastic linguist, the gentleman from Pennsylvania [Mr. DALZELL], and to have said: "John, we have got to defend it. What do those words mean?" Whereupon the gentleman from Pennsylvania is reported to have said that the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Republican national Congressional committee, had informed him that it had something to do with putting the amendments through by blocks of five. Whereupon the gentleman from Illinois said: "Oh, well, I can stand for that; that is a recognized principle of the party," and the Speaker assented. [Laughter.] But, Mr. Speaker, I not only object to the unprecedented linguistics of this resolution—real good French in a statute, you know, is a thing that never was heard of before; nothing but Norman and law French being put into statutes—but I object to its logic still more. Listen to this magnificent "therefore," this irresistible "sequitur." What is it?

Will the House agree to said amendments en bloc and ask a conference with the Senate? And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees—

And so forth. That is well enough, but listen to this magnificent "therefore" from the one premise:

If the House shall decide said motion in the negative—

Namely, that they do not agree to all the amendments "en bloc"—they may object to one or two amendments that are not en bloc, or something of that sort, but—

The effect of said vote shall be to agree to all of said amendments.

The unwillingness to talk plain English is worthy of the Republican party. The logic is worthy of the Republican party. The situation is worthy of the Republican party. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time is remaining of my twenty minutes?

The SPEAKER. Six minutes remaining.

Mr. RICHARDSON of Tennessee. I should like to ask the gentleman from Ohio if he is going to close with more than one speech. If so, I think he ought to put forward one of his speakers.

Mr. GROSVENOR. I shall not have more than one in closing. Mr. RICHARDSON of Tennessee. How much time is left to the other side, Mr. Speaker?

The SPEAKER. They have thirty-six minutes of the hour left. Mr. RICHARDSON of Tennessee. I supposed the gentleman would use the same time he accorded to us. I do not know whether he will do that or not. I ask the gentleman what his purpose is in that respect?

Mr. GROSVENOR. How much time have I used?

The SPEAKER. The gentleman has used four minutes.

Mr. GROSVENOR. I will only use sixteen minutes.

Mr. RICHARDSON of Tennessee. Will you use it in one speech, or more?

Mr. GROSVENOR. In one speech.

Mr. RICHARDSON of Tennessee. Then I yield the remaining six minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, since the question of the composition of the rule is before the House, it seems to me that at least passing justice ought to be done to the gentleman from Ohio [Mr. GROSVENOR]. I have reason to conclude that, as he has very lately been in authorship pretty largely, he really is the gentleman who interspersed this bit of French with a considerable amount of English.

Now, I do not think it is just to our Republican friends to criticize them for employing a foreign language for the expression of part of what they intend. It must have required a good deal of desperation—I will not call it courage, because I wish to be as accurate as I can under the circumstances [laughter]—to formulate and bring forward this rule. It is asking too much to demand that it should be expressed in English.

The gentlemen, I think, deserve credit for the fact that they managed to get along with so little foreign language in the formulation of the rule. Of course, the thing to be accomplished by the rule is foreign entirely to all of our legislative history and to all legislative precedent in this House, and everywhere else, where people are supposed to govern themselves, or have respect for law or for the proprieties under the law. But the very fact that that is true affords an additional reason why these gentlemen should resort to a foreign language, inasmuch as they are to resort to foreign methods.

The gentlemen had a little session yesterday. I wondered at first what it was called for, whether it was to instruct our new member [Mr. WAGONER], the neophyte in legislative operations, or whether it was to receive instruction from the new professor of political economy, hurried into this House without a quorum.

We were not enlightened by the proceedings. The country is yet left in doubt sublime as to whether our new brother [Mr. WAGONER] received instructions, or whether we received instructions from our new brother [Mr. WAGONER]. At all events, the traditions of the majority of the American citizens who believe in the observance of the Sabbath day, who believe that six days a week are sufficient to do the work necessary to be done, and that every seventh day even the Republican majority of the House might afford to rest from its vehement labors, was disregarded and a session was held.

Gentlemen here suggest that there was necessity for it. They know very well, as the country knows, that there was none. If you mean that you desire to get through Congress and into law a lot of measures that ought not to go through, then six days of the week of ordinary procedure are not enough for their enactment; then there is a species of necessity; but if you have reference to necessary and proper legislation, with proper and decorous procedure, then there could be no occasion for the desecration of the Sabbath, no necessity for disregarding everything sacred in legislative history and riding roughshod over the minority by a majority, having taken a seat here without the sanction of a majority. It is in accordance with the beliefs and practices of the people who sent you here to respect the Sabbath, but the reverse of that goes to effectuate a state of things such as you design to perform.

There is a suggestion that upon this side we are blocking legislation and unnecessarily consuming time. It is a great misapprehension by those who may have it. It is a great misstatement by those who know it is not true. We are merely employing the

methods of the Constitution. We are merely affording you a new and novel spectacle of legislating in accordance with the requirements of law, of the higher law, the Constitution of the United States, a law which all of us swore to obey. That is all. We are not forcing upon you anything revolutionary, we are not standing in the way of progress or order or the Constitution, but we are insisting that your progress shall be as the Constitution prescribes, and that for your conduct you shall take the responsibility of the roll call, so that there shall be seen upon the records, to be read of all men concerned, the story of what you do and how you do it. We are in no way revolutionary, are not repressing anything. We are not interfering with the progress of legislation; but in our course is everything to be commended and everything to be emulated, nothing to be regretted and nothing to be condemned.

It was suggested by my colleague from Missouri [Mr. BARTHOLOMEW] that under this rule here we are to deal with this immigration bill without knowing what is in it. The gentleman says that it is brought here so amended that its best friend would not recognize it. It may be, as he says, a little hard, but it is the kind of hardness that you are bringing upon yourselves. That is the purpose of this resolution, and gentlemen who vote for it must know it. [Loud applause on the Democratic side.]

Mr. GROSVENOR. Mr. Speaker, the gentleman from Missouri has quoted a text from the Bible: "Six days shalt thou labor, and do all thy work." That proposition was enunciated when the maker of the Ten Commandments did not, apparently, foresee the possibility of the presence upon the earth of the Democratic party. [Laughter on the Republican side.] However, with a sort of foresight of what might happen, there was a proviso put in somewhere, that if on any occasion on the Sabbath day it should be found that the ox or the ass of anybody had fallen into a pit, that it should be the duty of good men to get it out. [Laughter.] That seemed to be a foresight of the possibility that there might be a Democratic party, and it might get into the fix that the Democrats of this House are in now. [Renewed laughter.] Now, the ox is pulling the ass out [renewed laughter] and we hope to land it on safe ground before Wednesday next.

Now, I want to refer to the proposition made by the distinguished gentleman from Mississippi in regard to the language of this resolution. I know the authority from which I am going to read will commend itself to the gentleman. I read from Jefferson's Manual, page 194 of the Constitution and Manual, that I hold in my hand. The criticism of the gentleman is that if we vote upon the question of agreeing to these amendments all at one time, or vote in the negative, that it is a non sequitur to say that that carries the inference with it which we have provided for. Now, I want to show the gentleman how utterly ignorant Thomas Jefferson was in his day in regard to this:

Either of these concludes the other—

That is—

First, to agree; second, to disagree. Either of these concludes the other necessarily, for the positive of either is exactly the equivalent to the negative of the other, and no other alternative remains.

I will publish a little further extract in my speech.

Then he says:

It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote, for two alternatives still remain, either of which may be adopted by the House.

It was unfortunate that Jefferson did not have the learned criticism of the gentleman from Mississippi before he wrote his manual of parliamentary procedure. Now, as to the character of the language used. On one occasion we had a bill pending in this House with 600 amendments. Six hundred! That was all. It had become a bill of infamy; the Democratic President said it was a measure of "perfidy and dishonor;" that is, a disgraceful bill—a bill that was so dirty that he would not sign it, and the Democratic minority in this House discharged the conference committee—

Several MEMBERS. Democratic majority!

Mr. GROSVENOR. Yes. I have got so used to talking about the Democratic minority that the other word does not come readily to hand. [Laughter.] By a special order of the House they decided to recede from its disagreement and agree to all the amendments at once without any debate. Here is the language that they used, and I submit to gentlemen with intelligence which is the better language:

Resolved, That after the adoption of this resolution it shall be in order in the House to move that the order heretofore made requesting a conference with the Senate on the disagreeing votes of the two Houses on H. R. 4364 (the tariff bill) be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill in gross, and agree to the same.

"In gross." Now, that is Democracy as against "en bloc." [Laughter on the Republican side.]

Mr. DALZELL. Will the gentleman from Ohio allow me a suggestion?

Mr. GROSVENOR. Yes.

Mr. DALZELL. They not only perpetrated that infamy, but did it when the papers were absolutely in the hands of the Senate and not before the House.

Mr. GROSVENOR. On the attempt to pass that rule we demanded to know whether the thing itself, the papers that we were going to create into a revenue law, were in the House, and it had to be admitted that they were not in our possession; but we went right ahead "in gross" and did the infamous act. That was branded as an act of "perfidy and dishonor" by a Democratic President, and the people of the United States have branded it as a double infamy from that time to this every time they have had a chance to vote. [Applause on the Republican side.]

Now, Mr. Speaker, there is not a man in this House but knows exactly what these questions are, and I was glad to see a glimmering of conscientious conviction in the language of my friend from Mississippi [Mr. WILLIAMS], when he said it was not at all the expulsion from this House of a Democrat and the seating of a Republican, but it was much broader than that about which all this trouble is made. Well, it has been broadening out ever since the caucus resolution. The Democratic caucus published its resolution and we have it, and it charged simply and solely that we had improvidently and unwisely expelled a member and seated another, and therefore they would take revenge.

And now, gentlemen, the whole country understands that making an excuse—a flimsy, an unwarranted, an unworthy excuse—of the settlement of a contested-election case, you have tried to paralyze this Government. [Applause on the Republican side.] I do not say in the language of the gentleman from Mississippi [Mr. WILLIAMS] that you are going to do that, for you can not do it. There is a power here greater than your power. There is the power of the people of the United States delegated to the majority on this side, and it has orders from that high tribunal to pass these appropriation bills and keep the institutions of the country running, and we are going to do it. [Loud applause on the Republican side.]

We are going to take every necessary step in order to do it. We will do it because it is our duty; we will do it because you have thrust this challenge in our face; we will do it because the people of the country expect us to do it; and we will do it because we are willing to sacrifice our time, to stay all night answering roll calls on your demand, and do anything that the interests of the country shall not suffer. [Applause on the Republican side.] The Army shall not be destroyed. [Derisive cries on the Democratic side.] The Navy shall go on to completion. The Agricultural bill shall be passed, that agriculture shall flourish. The Post-Office bill shall be passed, that the mails shall be carried. And in the end you will come out just where revolution, insurrection, mobocracy, disregard of law, and disregard of duty always land a political organization. [Loud applause on the Republican side.]

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Mississippi?

Mr. GROSVENOR. Yes, if it is a question.

Mr. WILLIAMS of Mississippi. Is not the gentleman from Ohio aware that the present appropriations continue until July 1 and that the President can call an extra session to pass these appropriation bills and also give you a chance to pass some other bills like the Littlefield antitrust bill? [Laughter on the Democratic side.]

Mr. GROSVENOR. If I was a candidate for Speaker or for the place of leader of the minority and had the pledges necessary for my election, possibly I might be willing to have an extra session. [Laughter.] But under the existing circumstances I think it would be better to let our Democratic friends go home and come back here next December instructed by such elections as we are going to have in the country, and I do not believe that when we turn somebody else out of this House or refuse to turn him out there will be another "insurgent" insurrection started on the Democratic side. [Laughter and applause on the Republican side.]

Mr. Speaker, this is the plain duty of the hour. No harm can come to the legislation of the country as compared with an extra session or with the constant obstruction that has been going on. It is the wisdom of the Republican side of the House; it is the assumption of their duty, and having discharged that duty they will answer to God and the country for an approval thereof. [Loud applause on the Republican side.]

Mr. Speaker, I ask for a vote.

The SPEAKER. As many as are in favor of the adoption of this rule—

Mr. RICHARDSON of Tennessee. Mr. Speaker—

Mr. GROSVENOR. I ask for the previous question.

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. GROSVENOR. I ask for the yeas and nays.

The question was taken on ordering the previous question; and there were—yeas 163, nays 103, answered "present" 10, not voting 75; as follows:

YEAS—163.

Adams,	Darragh,	Hitt,	Payne,
Alexander,	Davidson,	Holliday,	Perkins,
Allen, Me.	Deemer,	Hopkins,	Powers, Me.
Aplin,	Douglas,	Howell,	Powers, Mass.
Babcock,	Dovener,	Hughes,	Reeder,
Ball, Del.	Draper,	Irwin,	Reeves,
Barney,	Driscoll,	Jackson, Md.	Roberts,
Bartholdt,	Dwight,	Jenkins,	Schirm,
Bates,	Eddy,	Jones, Wash.	Scott,
Beidler,	Emerson,	Kahn,	Shattuc,
Bishop,	Esch,	Knapp,	Shelden,
Blackburn,	Evans,	Kyle,	Sibley,
Blakeney,	Fletcher,	Lacey,	Smith, Ill.
Boreing,	Foerderer,	Lessler,	Smith, Iowa
Boutell,	Fordney,	Lewis, Pa.	Smith, H. C.
Bowersock,	Foss,	Littauer,	Smith, S. W.
Brandegge,	Foster, Vt.	Littlefield,	Southard,
Brick,	Fowler,	Long,	Southwick,
Bromwell,	Gaines, W. Va.	Loudenslager,	Sperry,
Brown,	Gardner, Mass.	Lovering,	Steele,
Brownlow,	Gardner, Mich.	McCall,	Stevens, Minn.
Bull,	Gardner, N. J.	McCleary,	Storm,
Burk, Pa.	Gibson,	McLachlan,	Sulloway,
Burke, S. Dak.	Gillet, N. Y.	Mahon,	Tawney,
Burkett,	Glass,	Marshall,	Taylor, Ohio
Burleigh,	Graff,	Martin,	Thomas, Iowa
Burton,	Graham,	Mercer,	Tirrell,
Butler,	Greene, Mass.	Minor,	Van Voorhis,
Calderhead,	Grosvenor,	Mondell,	Vreeland,
Capron,	Grow,	Moody,	Wachter,
Connell,	Hamilton,	Morgan,	Wadsworth,
Conner,	Hanbury,	Morrell,	Wagoner,
Coombs,	Haskins,	Moss,	Wanger,
Cooper, Wis.	Haugen,	Mudd,	Warner,
Cousins,	Heatwole,	Needham,	Warnock,
Creamer,	Hedge,	Olmsted,	Watson,
Cromer,	Hemenway,	Otjen,	Weeks,
Crumacker,	Henry, Conn.	Overstreet,	Woods,
Currier,	Hepburn,	Palmer,	Wright,
Cushman,	Hildebrandt,	Parker,	Young,
Dalzell,	Hill,	Patterson, Pa.	

NAYS—103.

Adamson,	Finley,	Livingston,	Shackelford,
Allen, Ky.	Fitzgerald,	Lloyd,	Sheppard,
Bankhead,	Flanagan,	McAndrews,	Sims,
Bartlett,	Fleming,	McClellan,	Slayden,
Bell,	Flood,	McLain,	Small,
Benton,	Gaines, Tenn.	Maddox,	Smith, Ky.
Billmeyer,	Gilbert,	Mahoney,	Snodgrass,
Bowie,	Goldfogle,	Maynard,	Sparkman,
Breazeale,	Gordon,	Miers, Ind.	Spight,
Broussard,	Green, Pa.	Moon,	Stark,
Brundidge,	Griggs,	Mutchler,	Sulzer,
Burleson,	Hay,	Norton,	Swann,
Caldwell,	Hooker,	Padgett,	Swanson,
Candler,	Howard,	Patterson, Tenn.	Tate,
Cassingham,	Jackson, Kans.	Pierce,	Taylor, Ala.
Clark,	Jones, Va.	Randall, Tex.	Thomas, N. C.
Clayton,	Kehoe,	Richardson, Ala.	Thompson,
Cooper, Tex.	Kern,	Richardson, Tenn.	Trimble,
Cowherd,	Kitchin, Claude	Rixey,	Underwood,
Crowley,	Kitchin, Wm. W.	Robb,	Vandiver,
Davey, La.	Kluttz,	Robertson, La.	White,
Davis, Fla.	Lamb,	Robinson, Ind.	Wiley,
De Armond,	Lester,	Rucker,	Williams, Ill.
Dinsmore,	Lever,	Russell,	Williams, Miss.
Dougherty,	Lewis, Ga.	Ryan,	Zenor.
Feely,	Little,	Selby,	

ANSWERED "PRESENT"—10.

Burgess,	Lindsay,	Miller,	Showalter.
Gillett, Mass.	Mann,	Prince,	
Joy,	Metcalf,	Sherman,	

NOT VOTING—75

Acheson,	Elliott,	Lawrence,	Ruppert,
Ball, Tex.	Foster, Ill.	Loud,	Scarborough,
Bellamy,	Fox,	McCulloch,	Shafroth,
Belmont,	Gill,	McDermott,	Shallenberger,
Bingham,	Glenn,	McRae,	Skiles,
Brantley,	Gooch,	Meyer, La.	Smith, Wm. Alden
Bristow,	Griffith,	Mickey,	Snook,
Burnett,	Henry, Miss.	Morris,	Stephens, Tex.
Cannon,	Henry, Tex.	Naphen,	Stewart, N. J.
Cassel,	Hull,	Neville,	Stewart, N. Y.
Cochran,	Jack,	Nevin,	Sutherland,
Conry,	Jett,	Newlands,	Talbert,
Cooney,	Johnson,	Pearle,	Thayer,
Corliss,	Ketcham,	Pou,	Tompkins, N. Y.
Curtis,	Kleberg,	Pugsley,	Tompkins, Ohio
Dahle,	Knox,	Ransdell, La.	Wheeler,
Dayton,	Landis,	Reid,	Wilson,
Dick,	Lassiter,	Rhea,	Wooten.
Edwards,	Latimer,	Robinson, Nebr.	

So the previous question was ordered.

The following additional pairs were announced:
Until further notice:

Mr. CANNON with Mr. McRAE.

Mr. CORLISS with Mr. JOHNSON.

Mr. SHOWALTER with Mr. LATIMER.

Mr. JACK with Mr. SCARBOROUGH.

On this vote:

Mr. LAWRENCE with Mr. RHEA.

The SPEAKER. The question is now on agreeing to the resolution reported from the Committee on Rules.

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

Mr. WANGER and Mr. PAYNE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 102, answered "present" 7, not voting 89; as follows:

YEAS—153.

Acheson,	Driscoll,	Kahn,	Reeder,
Adams,	Eddy,	Ketcham,	Reeves,
Alexander,	Esch,	Knapp,	Roberts,
Allen, Me.	Evans,	Kyle,	Schirma,
Applin,	Fletcher,	Lacey,	Scott,
Ball, Del.	Foerderer,	Landis,	Shattuc,
Barney,	Fordney,	Lessier,	Shelden,
Bates,	Fowler,	Lewis, Pa.	Sibley,
Beidler,	Gaines, W. Va.	Littauer,	Smith, Ill.
Blackburn,	Gardner, Mich.	Littlefield,	Smith, Iowa
Blakeney,	Gardner, N. J.	Long,	Smith, H. C.
Boutell,	Gibson,	Loudenslager,	Smith, S. W.
Bowersock,	Gill,	Loving,	Smith, Wm. Alden
Brick,	Gillet, N. Y.	McCall,	Southard,
Brown,	Graff,	McCleary,	Southwick,
Brownlow,	Graham,	McLachlan,	Sperry,
Ball,	Greene, Mass.	Mahon,	Steele,
Burk, Pa.	Grosvonor,	Marshall,	Stevens, Minn.
Burke, S. Dak.	Grow,	Martin,	Storm,
Burkett,	Hamilton,	Mercer,	Sulloway,
Burleigh,	Hanbury,	Minor,	Tawney,
Burton,	Haskins,	Mondell,	Taylor, Ohio
Butler,	Haugen,	Moody,	Thomas, Iowa
Calderhead,	Heatwole,	Morgan,	Tirrell,
Cannon,	Hedge,	Morrell,	Van Voorhis,
Capron,	Hemenway,	Morris,	Vreeland,
Cassel,	Henry, Conn.	Moss,	Wadsworth,
Connell,	Hepburn,	Mudd,	Wagoner,
Conner,	Hildebrandt,	Needham,	Wanger,
Cousins,	Hill,	Olmsted,	Warner,
Cramer,	Hitt,	Otjen,	Warnock,
Currier,	Holliday,	Overstreet,	Watson,
Cushman,	Hopkins,	Palmer,	Weeks,
Dalzell,	Howell,	Parker,	Woods,
Darragh,	Hughes,	Patterson, Pa.	Wright,
Davidson,	Hull,	Payne,	Young,
Deemer,	Irwin,	Pearce,	
Douglas,	Jackson, Md.	Perkins,	
Draper,	Jones, Wash.	Powers, Mass.	

NAYS—102.

Adamson,	Finley,	Lever,	Ryan,
Allen, Ky.	Fitzgerald,	Lewis, Ga.	Selby,
Bankhead,	Flanagan,	Lindsay,	Shackleford,
Bartlett,	Fleming,	Little,	Sheppard,
Benton,	Flood,	Lloyd,	Sims,
Billmeyer,	Gaines, Tenn.	Loud,	Slayden,
Bowie,	Gilbert,	McAndrews,	Small,
Breazeale,	Goldfogle,	McClellan,	Smith, Ky.
Broussard,	Gooch,	McCulloch,	Snodgrass,
Brundidge,	Gordon,	McLain,	Sparkman,
Burleson,	Green, Pa.	McRae,	Spight,
Caldwell,	Griggs,	Maddox,	Stark,
Candler,	Hay,	Maynard,	Swanson,
Cassingham,	Hooker,	Miers, Ind.	Tate,
Clark,	Howard,	Moon,	Taylor, Ala.
Clayton,	Jackson, Kans.	Mutchler,	Thomas, N. C.
Cooney,	Jones, Va.	Norton,	Trimble,
Cooper, Tex.	Kehoe,	Padgett,	Underwood,
Cowherd,	Kern,	Randall, Tex.	Vandiver,
Crowley,	Kitchin, Claude	Richardson, Ala.	White,
Davey, La.	Kitchin, Wm. W.	Richardson, Tenn.	Wiley,
Davis, Fla.	Kluttz,	Rixey,	Williams, Ill.
De Armond,	Lamb,	Robb,	Williams, Miss.
Dinsmore,	Latimer,	Robinson, Ind.	Zenor.
Dougherty,	Lester,	Rucker,	
Feely,		Russell,	

ANSWERED "PRESENT"—7.

Dayton,	Jack,	Mann,	Sherman.
Foster, Vt.	Joy,	Miller,	

NOT VOTING—89.

Babcock,	Dahle,	Livingston,	Shafroth,
Ball, Tex.	Dick,	McDermott,	Shallenberger,
Bartholdt,	Dovener,	Mahoney,	Showalter,
Bell,	Dwight,	Metcalf,	Skiles,
Bellamy,	Edwards,	Meyer, La.	Snook,
Belmont,	Elliott,	Mickey,	Stephens, Tex.
Bingham,	Emerson,	Naphe,	Stewart, N. J.
Bishop,	Foss,	Neville,	Stewart, N. Y.
Boreing,	Foster, Ill.	Nevin,	Sulzer,
Brandeggee,	Fox,	Newlands,	Sutherland,
Brantley,	Gardner, Mass.	Patterson, Tenn.	Swann,
Bristow,	Gillet, Mass.	Pierce,	Talbert,
Bromwell,	Glenn,	Pou,	Thayer,
Burgess,	Griffith,	Powers, Me.	Thompson,
Burnett,	Henry, Miss.	Prince,	Tompkins, N. Y.
Cochran,	Henry, Tex.	Pugsley,	Tompkins, Ohio
Conry,	Jenkins,	Ransdell, La.	Wachter,
Coombs,	Jett,	Reid,	Wheeler,
Cooper, Wis.	Johnson,	Rhea,	Wilson,
Corliss,	Kleberg,	Robertson, La.	Wooten.
Creamer,	Knox,	Robinson, Nebr.	
Crumppacker,	Lassiter,	Ruppert,	
Curtis,	Lawrence,	Scarborough,	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. CORLISS with Mr. BELLAMY.

Mr. CURTIS with Mr. BURGESS.

For the vote:

Mr. JENKINS with Mr. WILLIAMS of Illinois.

Mr. BABCOCK with Mr. BALL of Texas.

Mr. BARTHOLDT with Mr. JOHNSON.

Mr. LAWRENCE with Mr. McDERMOTT.

The result of the vote was announced as above recorded.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I call up the conference report on the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and move the adoption thereof.

The SPEAKER. The gentleman from Indiana calls up the conference report on the fortifications appropriation bill. The Clerk will read the report and the statement.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of said amendment, after the word "appropriated," insert: "Provided, That if in the judgment of the Secretary of War the carriage, emplacement, and loading mechanism can be completed for the sum hereby appropriated, and when completed will be of service to the Government, the appropriation herein made shall be available;" and the Senate agree to the same.

GEO. C. PERKINS,

F. E. WARREN,

B. R. TILLMAN,

Managers on the part of the Senate.

J. A. HEMENWAY,

LUCIUS N. LITTAUER,

THOS. C. McRAE,

Managers on the part of the House.

The statement on the part of the managers of the House is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17046) making appropriations for fortifications, submit the following written statement of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

On amendment numbered 1: Inserts the provision proposed by the Senate relating to the purchase of land on Cushing's Island, Maine.

On amendment numbered 2: Inserts the provision proposed by the Senate with reference to the expenditure of moneys appropriated by the act under the respective bureaus of the War Department.

On amendment numbered 3: Appropriates \$199,473.22, as proposed by the Senate, instead of \$145,000, as proposed by the House, for manufacture of guns under contract.

On amendment numbered 4: Accepts the language proposed by the Senate in the paragraph appropriating \$265,000 for steel breech-loading field guns and their carriages.

On amendment numbered 5: Appropriates \$40,000 additional, as proposed by the Senate, for the Emery elevating carriage, and adds a further provision that the sum shall be available if in the judgment of the Secretary of War it can be completed for the sum named and when completed will be of service to the Government.

The bill as finally agreed upon appropriates \$7,188,416.22, being \$94,473.22 more than as it passed the House, \$110,538.78 less than the appropriations for the current year, and \$8,036,908.78 less than the estimates.

J. A. HEMENWAY,

LUCIUS N. LITTAUER,

THOS. C. McRAE,

Managers on the part of the House.

Mr. UNDERWOOD and Mr. HEMENWAY rose.

The SPEAKER. The gentleman from Indiana is recognized for ten minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I desire to know the ruling of the Chair under this special rule. I think the Chair has indicated it, but I will ask the Chair to state as to whether or not the minority are entitled to any time whatever under this new rule.

The SPEAKER. The gentleman from Indiana controls the time.

Mr. UNDERWOOD. I would like to ask the gentleman from Indiana if it is his purpose, under the ten minutes allotted for debate on this question, to recognize the minority's right to have any of that time.

Mr. HEMENWAY. Mr. Speaker, I yield five minutes to the gentleman now, if he desires it.

Mr. UNDERWOOD. I wanted to know what the purpose of the gentleman was.

Mr. HEMENWAY. I yield the time right now.

Mr. UNDERWOOD. Then I will yield it back to the gentleman. [Laughter.]

Mr. HEMENWAY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD called for a division.

The House proceeded to divide.

Mr. HEMENWAY. Mr. Speaker, I call for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 14, answered "present" 9, not voting 126; as follows:

YEAS—202.

Adamson,	Darragh,	Howard,	Patterson, Pa.
Alexander,	Davidson,	Howell,	Payne,
Allen, Ky.	Davis, Fla.	Hull,	Pearre,
Allen, Mo.	De Armond,	Irwin,	Perkins,
Aplin,	Deemer,	Jack,	Pierce,
Ball, Del.	Dinsmore,	Jackson, Kans.	Powers, Mass.
Bankhead,	Douglas,	Jackson, Md.	Reeder,
Barney,	Dovener,	Jenkins,	Reeves,
Bartholdt,	Draper,	Johnson,	Richardson, Tenn.
Bartlett,	Driscoll,	Jones, Va.	Robb,
Bates,	Eddy,	Kahn,	Roberts,
Beidler,	Emerson,	Kern,	Robinson, Ind.
Benton,	Esch,	Ketcham,	Ryan,
Billmeyer,	Evans,	Kluttz,	Scott,
Bishop,	Feely,	Knapp,	Selby,
Blackburn,	Finley,	Kyle,	Shattuc,
Blakeney,	Flanagan,	Lacey,	Shelden,
Boreing,	Fletcher,	Landis,	Sibley,
Boutell,	Foerderer,	Lessler,	Small,
Bowersock,	Fordney,	Lever,	Smith, Ill.
Bowie,	Foss,	Littauer,	Smith, Wm. Alden
Brandegge,	Fowler,	Livingston,	Southard,
Brazzale,	Gaines, Tenn.	Lloyd,	Southwick,
Brick,	Gaines, W. Va.	Long,	Steele,
Bromwell,	Gardner, Mass.	Loudenslager,	Stevens, Minn.
Broussard,	Gardner, Mich.	Lovering,	Sulloway,
Brown,	Gardner, N. J.	McCleary,	Sulzer,
Brownlow,	Gibson,	McClellan,	Swann,
Burk, Pa.	Gilbert,	McCulloch,	Tate,
Burke, S. Dak.	Gill,	McLain,	Tawney,
Burkett,	Goldfogle,	Mahon,	Thomas, Iowa
Burleigh,	Gooch,	Mahoney,	Thomas, N. C.
Burleson,	Gordon,	Marshall,	Thompson,
Burton,	Graff,	Martin,	Tirrell,
Butler,	Graham,	Maynard,	Trimble,
Caldwell,	Green, Pa.	Mercer,	Underwood,
Candler,	Greene, Mass.	Mickey,	Van Voorhis,
Capron,	Grosvenor,	Minor,	Vreeland,
Cassel,	Grow,	Mondell,	Wadsworth,
Cassingham,	Hamilton,	Moody,	Wagoner,
Clark,	Hanbury,	Moon,	Warner,
Clayton,	Haskins,	Morgan,	Warnock,
Connell,	Hay,	Morrell,	Watson,
Coombs,	Hedge,	Morris,	Weeks,
Cooper, Wis.	Hemenway,	Moss,	Wiley,
Cousins,	Henry, Conn.	Mutchler,	Williams, Ill.
Cowherd,	Hepburn,	Needham,	Williams, Miss.
Cromer,	Hildebrandt,	Olmsted,	Young,
Crumpacker,	Hill,	Overstreet,	Zenor.
Currier,	Hitt,	Palmer,	
Dalzell,	Holliday,	Parker,	

NAYS—14.

Fitzgerald,	Lewis, Ga.	Padgett,	Sims,
Kitchin, Claude	Maddox,	Randall, Tex.	Smith, Ky.
Kitchin, Wm. W.	Miers, Ind.	Rhea,	
Latimer,	Newlands,	Rucker,	

ANSWERED "PRESENT"—9.

Glass,	Miller,	Shackleford,	Showalter,
Lindsay,	Rixey,	Sherman,	Slayden.
Mann,			

NOT VOTING—126.

Acheson,	Edwards,	Loud,	Smith, Iowa
Adams,	Elliott,	McAndrews,	Smith, H. C.
Babcock,	Fleming,	McCall,	Smith, S. W.
Ball, Tex.	Flood,	McDermott,	Snodgrass,
Bell,	Foster, Ill.	McLachlan,	Snook,
Bellamy,	Foster, Vt.	McRae,	Sparkman,
Belmont,	Fox,	Metcalfe,	Sperry,
Bingham,	Gillet, N. Y.	Meyer, La.	Spight,
Brantley,	Gillet, Mass.	Mudd,	Stark,
Bristow,	Glenn,	Naphe,	Stevens, Tex.
Brundidge,	Griffith,	Neville,	Stewart, N. J.
Bull,	Griggs,	Nevin,	Stewart, N. Y.
Burgess,	Haugen,	Norton,	Storm,
Burnett,	Heatwole,	O'Brien,	Sutherland,
Calderhead,	Henry, Miss.	Patterson, Tenn.	Swanson,
Cannon,	Henry, Tex.	Pou,	Talbert,
Cochran,	Hooker,	Powers, Me.	Taylor, Ohio
Conner,	Hopkins,	Prince,	Taylor, Ala.
Conry,	Hughes,	Pugsley,	Thayer,
Cooney,	Jett,	Ransdell, La.	Tompkins, N. Y.
Cooper, Tex.	Jones, Wash.	Reid,	Tompkins, Ohio
Corliss,	Joy,	Richardson, Ala.	Vandiver,
Creamer,	Keohoe,	Robertson, La.	Wachter,
Crowley,	Kleberg,	Robinson, Nebr.	Wanger,
Curtis,	Knox,	Ruppert,	Wheeler,
Cushman,	Lamb,	Russell,	White,
Dahle,	Lassiter,	Scarborough,	Wilson,
Davey, La.	Lawrence,	Schirm,	Woods,
Dayton,	Lester,	Shafroth,	Wooten,
Dick,	Lewis, Pa.	Shallenberger,	Wright.
Dougherty,	Little,	Sheppard,	
Dwight,	Littlefield,	Skiles,	

So the conference report was agreed to.

The Clerk announced the following additional pairs:
Until further notice:

Mr. SAMUEL W. SMITH with Mr. LESTER.

On this vote:

Mr. CANNON with Mr. MCRAE.

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

IMMIGRATION.

The SPEAKER pro tempore (Mr. SHERMAN) laid before the House the Senate amendments to the bill (S. 12199) to regulate the immigration of aliens into the United States.

The Senate amendments were read.

During the reading of the Senate amendments,

Mr. WILLIAMS of Mississippi said: Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. I rise to a point of order. This is a very important matter before the House, and I suggest that there is no quorum present.

The SPEAKER pro tempore. The last roll call disclosed the presence of nearly three-fourths of the House. The Chair therefore overrules the point of order.

Mr. GAINES of Tennessee. Does the Chair see three-fourths present now?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I believe I have the floor. The other day, in the presence of two votes, each one disclosing that there was not a quorum, it was held that the suggestion of the absence of a quorum was dilatory. Now, if it is not held that two votes showing the absence of a quorum must bind the House, then, can it be held that one vote showing the presence of a quorum can bind the House? There is, as an ocular fact, no quorum present.

The SPEAKER pro tempore. The Chair holds that the last vote, taken but a very few moments ago, discloses the presence of nearly three-fourths of the House; he overrules the point of order made by the gentleman that no quorum is present.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS of Mississippi. My parliamentary inquiry is, would the converse be true? If the last vote taken by the House had shown the absence of a quorum, would the Speaker hold himself bound by that?

The SPEAKER pro tempore. That was not the case. The Chair is deciding on the facts as they do exist, not on hypothetical questions.

Mr. ROBINSON of Indiana. There are not 50 Republicans in the House at this moment, as an actual fact.

The SPEAKER pro tempore. The Clerk will continue the reading. The Chair recognized the gentleman for a parliamentary inquiry.

Mr. GAINES of Tennessee. Will not the Chair recognize the gentleman to make the point of no quorum when he sees that no quorum is present?

The SPEAKER pro tempore. Gentlemen will be in order. The Clerk will proceed.

The Clerk resumed and completed the reading of the Senate amendments.

The SPEAKER pro tempore. The question is, Will the House disagree to said amendments en bloc and agree to the conference asked by the Senate?

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee demanded a division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nay 1, answered "present" 13, not voting 156; as follows:

YEAS—181.

Acheson,	Brundidge,	Crumpacker,	Gibson,
Adams,	Burk, Pa.	Currier,	Gilbert,
Adamson,	Burke, S. Dak.	Cushman,	Gill,
Alexander,	Burleigh,	Dalzell,	Gillet, N. Y.
Allen, Ky.	Burleson,	Darragh,	Graff,
Aplin,	Burton,	Davidson,	Graham,
Ball, Del.	Butler,	Deemer,	Greene, Mass.
Bankhead,	Calderhead,	Dinsmore,	Grosvenor,
Barney,	Candler,	Douglas,	Grow,
Bates,	Cannon,	Dovener,	Hamilton,
Beidler,	Capron,	Draper,	Hanbury,
Benton,	Cassel,	Driscoll,	Haskins,
Bishop,	Clark,	Eddy,	Haugen,
Blackburn,	Connell,	Esch,	Hedge,
Blakeney,	Conner,	Foerderer,	Hemenway,
Boutell,	Coombs,	Fordney,	Henry, Conn.
Bowersock,	Cooney,	Foss,	Hepburn,
Brandegge,	Cooper, Wis.	Fowler,	Hildebrandt,
Brick,	Corliss,	Gaines, Tenn.	Hill,
Bromwell,	Cousins,	Gaines, W. Va.	Hitt,
Brown,	Creamer,	Gardner, Mich.	Holliday,
Brownlow,	Cromer,	Gardner, N. J.	Howell,

Hughes, Irwin, Jack, Jackson, Md. Jenkins, Jones, Wash. Kahn, Knapp, Kyle, Lacey, Landis, Lawrence, Lessler, Lewis, Pa. Littauer, Littlefield, Livingston, Long, Loudenslager, Loving, McCall, McClary, McClellan, McLachlan,	Mahon, Marshall, Martin, Maynard, Mercer, Mickey, Ind. Minor, Mondell, Moody, Morgan, Morrell, Morris, Moss, Mudd, Needham, Olmsted, Otjen, Overstreet, Palmer, Parker, Patterson, Pa. Payne, Pearre,	Perkins, Pierce, Powers, Mass. Reeder, Reeves, Richardson, Ala. Robb, Roberts, Robinson, Ind. Schirm, Shackelford, Shattuc, Shelden, Sibley, Smith, Iowa Smith, H. C. Snodgrass, Southard, Southwick, Sperry, Stark, Steele, Stevens, Minn. Storm,	Sulloway, Sulzer, Tawney, Taylor, Ohio Thomas, Iowa Thompson, Tirrell, Van Voorhis, Vreeland, Wachter, Wagoner, Wanger, Warner, Watson, Weeks, White, Wiley, Woods, Young, Zenor.
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NAY—1.

Fitzgerald.

ANSWERED "PRESENT"—13.

Dayton, Feely, Foster, Vt. Joy,	Kluttz, Lamb, McRae, Maddox,	Mann, Miller, Rixey, Sherman,	Showalter.
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NOT VOTING—153.

Allen, Mo. Babcock, Ball, Tex. Bartholdt, Bartlett, Bell, Bellamy, Belmont, Billmeyer, Bingham, Boreing, Bowie, Brantley, Breazeale, Bristow, Broussard, Bull, Burgess, Burkett, Burnett, Caldwell, Cassingham, Clayton, Cochran, Conry, Cooper, Tex. Cowherd, Crowley, Curtis, Dahle, Davey, La. Davis, Fla. De Armond, Dick, Dougherty, Dwight, Edwards, Elliott, Emerson,	Evans, Finley, Flanagan, Fleming, Fletcher, Flood, Foster, Ill. Fox, Gardner, Mass. Gillett, Mass. Glass, Glenn, Goldfogle, Gooch, Gordon, Green, Pa. Griffith, Griggs, Hay, Heatwole, Henry, Miss. Henry, Tex. Hooker, Hopkins, Howard, Hull, Jackson, Kans. Jett, Johnson, Jones, Va. Kehoe, Kern, Ketcham, Kitchin, Claude Kitchin, Wm. W. Kieberg, Knox, Lassiter, Latimer,	Lester, Lever, Lewis, Ga. Lindsay, Little, Lloyd, Loud, McAndrews, McCulloch, McDermott, McLain, Mahoney, Metcalf, Meyer, La. Moon, Mutchler, Naphen, Neville, Nevin, Newlands, Norton, Padgett, Patterson, Tenn. Pou, Powers, Me. Prince, Pugsley, Randell, Tex. Ransdell, La. Reid, Rhea, Richardson, Tenn. Robertson, La. Robinson, Nebr. Rucker, Ruppert, Russell, Ryan, Scarborough,	Scott, Selby, Shaffroth, Shallenberger, Sheppard, Sims, Skiles, Slayden, Small, Smith, Ill. Smith, Ky. Smith, S. W. Smith, Wm. Alden Snook, Sparkman, Spight, Stephens, Tex. Stewart, N. J. Stewart, N. Y. Sutherland, Swann, Swanson, Talbert, Tate, Taylor, Ala. Thayer, Thomas, N. C. Tompkins, N. Y. Tompkins, Ohio Trimble, Underwood, Vandiver, Wadsworth, Wheeler, Williams, Ill. Williams, Miss. Wilson, Wooten, Wright.
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So the motion to disagree to the Senate amendments was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. EVANS with Mr. ELLIOTT.

On this vote:

Mr. GILL with Mr. FEELY.

Mr. BABCOCK with Mr. SMITH of Kentucky.

Mr. GARDNER of Massachusetts with Mr. GOLDFOGLE.

Mr. HEATWOLE with Mr. LLOYD.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the following conferees on the part of the House—Mr. SHATTUC, Mr. ADAMS, and Mr. ROBB.

PUBLIC BUILDINGS.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill of the Senate (S. 7414) to increase the limit of cost of certain public buildings, etc., insist on the amendments of the House thereto, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Nebraska moves to take from the Speaker's table the Senate bill 7414, to suspend the rules, insist on the amendments of the House, and agree to the conference asked.

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. MERCER. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Nebraska

asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Chair will appoint the gentleman from Nebraska, Mr. MERCER, and the gentleman from Tennessee, Mr. RICHARDSON, as tellers.

The House divided; and tellers reported—ayes 149, noes 10.

Mr. RICHARDSON of Tennessee. I make the point that there is no quorum present.

Mr. MERCER. I make the point of order that that is dilatory.

The SPEAKER pro tempore. The Chair overrules the point. Every vote to-day has disclosed the presence of a quorum, and the last vote, only a moment ago, disclosed the presence of a quorum. The Chair recognizes the gentleman from Nebraska to control the time upon his side.

Mr. MERCER. Mr. Speaker, this is simply a request from the Senate for a conference, the Senate having nonconcurred in the House amendments to the Senate bill. I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I could not hear what the gentleman said.

The SPEAKER pro tempore. The gentleman from Nebraska reserves the balance of his time. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I yield ten minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, there is a matter to which I would like to call the attention of the House, because I believe the House would like to know something in regard to what it has been doing for the last day or two. The way in which we are legislating here we only find out when the legislation is over what has been enacted. I do not suppose a member of the House knows, or at least only those who were engaged in the conference know, that yesterday we increased here in the District of Columbia the cost of street lighting by oil lamps on the citizens of the District from \$20 to \$24. And we cut down the requirements of the law as to the candlepower of gas from 25 to 23 candlepower without reducing the price, and we did that notwithstanding the fact that it was shown in this House last year that the company had never paid less than 10 per cent on its capital. It started with a capital stock of only a few hundred thousand dollars—less than half a million—it increased it to more than two and a half millions. For many years it declared dividends of from 40 to 50 per cent, and in one year it declared two dividends of a little less than 100 per cent on the capital stock; and yet for that company, making that enormous amount of money, yesterday the conferees provided for reducing the requirements of the law and thereby increasing the profits of the company.

I believe, Mr. Speaker, that if the House would investigate a little, if it were permitted under the rules which we are passing here from day to day and changing from hour to hour to suit the occasion, to investigate these questions, that there would be a little less hurry in this legislation that comes before the House. Not only that, but a great deal of this legislation is put upon this bill in conference without an opportunity for either this House or the other legislative body to pass upon and consider the legislation. They are brought back here and, under the provisions that you bring in by these special rules, they are rushed through under a pell-mell vote. Members on the other side are obliged to follow the leaders like a flock of sheep, without even time to find out what is in the proposition. [Loud applause on the Democratic side.]

If the exercise of our constitutional privileges prevents you rushing through any such legislation, then we are performing a public duty; if it forces you to call an extra session, we will take our share of the responsibility. We can kill nothing but the private raids on the Treasury. The needed legislation, such as the Littlefield bill, the statehood bill, the much-needed tariff revision, the regulation of railroad rates by the Interstate Commerce Commission, you have already killed.

I want to call the attention of the Chair and the attention of the House to some of the precedents that you are making here for the benefit of future legislation. I want to say, Mr. Speaker, it is easy enough for the Chair, with the majority, having the brutal power behind you, and determined to use it as brutally as you may, it is easy enough to ride roughshod over the minority; but the precedents that the Chair makes go into the RECORD and stand forever there to haunt you in the hereafter. There will come a time, sooner or later, as you all know, when the Republican party will not be in the majority in this House.

Mr. RICHARDSON of Tennessee. Thank God! [Loud applause on Democratic side.]

Mr. COWHERD (continuing). And it behooves you as honorable men, as conservative men, as men desiring, at least in the establishment of precedents, that shall your action result in the end in the preservation and not the destruction of representative

government, it behooves you to consider somewhat, Mr. Speaker, not the fleeting triumph of the moment in the record that your party is making here, but the precedent that is to stand against you when it may be that we or some other party shall follow you in the control of this House.

I refer not alone to the precedent you establish of turning out a man elected by 6,000 majority, elected, not in a State or in a city where elections are what you call contaminated with the negro vote, but elected in a city north of Mason and Dixon's line, elected in a city under election laws as fair, and I venture to say it with the laws in my desk of practically every Northern State, with election laws as fair as any in any State of this Union. [Applause on the Democratic side.] Overturning the will of the people, turning him out not only with this enormous majority, but without reading the testimony and practically without a hearing, and overturning your own rules and the Constitution of the United States in order to do it. I call your attention to that precedent, a precedent of anarchy and revolution, that you are setting before us, and I beg that my party, when it reaches power, shall refuse to take advantage of this infamous precedent that your party is making. [Applause on the Democratic side.]

But I want to call attention to the fact that you are going further still. The other day I made the point of order that a conference committee, without authority, in direct violation of the rules of the House, had seen fit to put new matter, new legislation, into an appropriation bill. The Chair promptly overruled the point of order. I want, in order that it may go into the RECORD, to call the attention of the House to that ruling, and I hope that, too, will not become a precedent; for, if it does, not even the great chairman of the Appropriations Committee, either in the chair or on the floor, can save the Treasury of the United States from the raid and looting that is to result from the precedent you have established.

There was a bill here making appropriations for the District of Columbia. On that bill the House appropriated a certain amount of money to carry on the work of the filtration plant. The Senate raised that appropriation \$200,000, and put in a provision that the work should be completed by the 1st of December. Now, mark you, by a law duly enacted Congress has heretofore declared that the filtration plant should not cost above \$2,768,405.

The appropriations neither of the House nor of the Senate changed that existing law nor increased it beyond the limit fixed by the law then on the statute books. It was the law of the land. The bill went into conference, and the conference committee, without authority from either House or Senate, in direct violation of the rules of this body, changed the existing law and raised the limit of cost \$700,000. The point of order was made upon it, and it was admitted by the gentlemen who had charge of the bill on the floor of the House that the limit of cost had been raised \$700,000, and yet that point of order was overruled that you might continue to ride roughshod over the minority. [Applause on the Democratic side.]

Yes, and upon an appeal from the decision of the Chair—and I submit that such an appeal no Speaker ought to refuse, because the Speaker should have recognized that any member had a right to question such a ruling—that appeal was denied, and we were refused the poor privilege of passing upon the ruling of the Chair. And yet that is one of the precedents you are making in these closing days in order to continue doing business, as you claim, under the rules.

Here is another one. There was an appropriation in this bill for \$12,000 for paving according to a schedule submitted by the Commissioners of the District, in a certain portion of the city. The Senate raised it \$41,000. This was the only amendment made to the paragraph. And then they went into conference on what? I ask you gentlemen fairly and honestly on what did they go into conference? Whether it should be \$12,000 or \$41,000, the disagreeing vote between the two Houses. What did they do? They went into conference and put in a piece of legislation affecting, not this appropriation, because this appropriation is for the next fiscal year, but this piece of legislation provided that hereafter in the years that are to come in making their estimates the Commissioners of the District of Columbia should follow a certain course and pursue a certain plan. Was not that new legislation?

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield the gentleman two minutes more.

Mr. COWHERD. I appeal to you gentlemen, not here in the heat of passion, not determined to ride over the minority regardless of what the laws may be by which you accomplish your purpose, but I appeal to you as legislators who must be confronted with the record you make, who must remember that some other party and some other Speaker will be entitled to take the precedents you establish as a club some time and apply them to your own heads; I appeal to you, is there any man in this body that

can support such a ruling? And yet when I ask the poor privilege given to me under the rules you have established of appealing from that decision simply in order to present it to the House, for I did not believe this House, upon a fair presentation, would care to make such a precedent, the appeal was ruled out of order that you might go on doing business under what you call rules, the rules that you yourselves are only too eager to disobey. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, history records that we have a republican form of government; but the evidence of it is not found in the House of Representatives. This House has been governed with a rod of iron, under the sanction of these iron rules. This is not a survival of the fittest, but a triumph of the powerful. History records that we have a republican form of government; but, sir, under these drastic rules, we find a majority of the majority scourged in conscience and in action with the party lash, and party fealty making cowards of you all, while this House exists only as a relic of a proud and historic form of people's government, intended by our fathers to have been transmitted to their posterity. This situation, so depressing to independent manhood, so dangerous to the country, is known throughout the land—is the daily subject of comment in the press, in the coordinate branch of Congress, and in this House; yet those who have the power hesitate; they raise their hands, but they have not the courage to strike the blow.

On the discussion of the election contest the other day the gentleman from Pennsylvania [Mr. OLMSTED], in his remarks, challenged a denial and dispute of the proposition that he in his opening argument presented; and on four successive occasions, by the power lodged in his hands by this tyrannical majority of the House, he refused an opportunity for answer—refused time for discussion, after his challenge had been thrown down. He mentioned the St. Louis Republic as being in favor of some proposition that supported his contention. And now I propose to have read an extract from that paper that he may know the result of the action of the majority of his committee—a majority that was not a majority, for the gentleman from Maine never attended a session of that committee, I am speaking of open sessions, for all were open save two hours—and he does not give his approval to this majority report unseating Mr. Butler, and another member, the gentleman from New York, never attended an open meeting, and he did not have the opportunity to attend, being prevented by sickness. And I believe he has not read the evidence in this case, and I ask him to rise up and deny my statement. He was not present before the committee during its open sessions. I say that there are but two members of the Elections Committee majority who read any considerable portion of the evidence in that case. And yet we have the spectacle of this House unseating a member—trampling upon the right of Missouri to representation. I want to have this article read by the Clerk, to show the answer that the St. Louis Republic of February 28 gives to the action of the majority on this side.

The SPEAKER pro tempore (Mr. SHERMAN). The Clerk will read.

The Clerk proceeded to read the following:

WANTONNESS OF POWER.

By unseating James Butler the House of Representatives has committed a high-handed outrage upon Missouri, a deprivation of the right of representation and self-government.

Manifestly a juggling with fact and principle, the act is peculiarly susceptible of explanation. A simple analysis leads irresistibly and inevitably to the conclusion that the House was actuated solely by ulterior partisan motives in the exercise of an arbitrary and despotic power, and that it resorted to a base subterfuge to conceal a crime against fundamental rights of the people of Missouri.

But having heard the contest and discovered that Butler had been fairly elected, a conclusion which the legal evidence—facts well known to every person familiar with local affairs—could not fail to prove beyond a quibble, the House might still have excluded him upon the ground that he was not acceptable in person.

But the House wanted to be rid of Butler for political reasons. His case was prejudged. It had been decided long before the testimony was even begun in St. Louis. It had been decided by Republican politicians. In Washington the men who sat upon it were not Representatives in a judicial capacity determining the rights of an official delegated to serve by the people. They were star-chamber politicians, subverting the rights of the minority party and perpetrating a practical disfranchisement of Missouri voters; they committed an abuse of power, opportunists taking undue advantage of a numerical majority to oppress merely because they could, and prostituting the high delegated powers of the nation's people to mean partisan ends.

Had there been other than an unworthy partisan motive for ousting Butler, undoubtedly their considerations would have had to do with the question of qualification, and their action would have had reference to that question. But by expressly excluding him upon the so-called "evidence" adduced they are not exercising a high prerogative, the privilege of determining the character of members, but are practicing a mere ruse designed to cover up the political reason, adopting the only sure way of filching a seat from the minority and appropriating it themselves under cover of technical false records.

Wagoner was not elected. Every Republican in St. Louis knows it. The gangsters of both parties operated in common in the Twelfth district and were about equal in number. Their combined numbers, however, if subtracted from Butler's actual majority, would have been insufficient to change

the result. These truths are as patent to Congress as to the average St. Louisian.

The Twelfth district is entitled to representation. The House has taken away its right. Wagoner does not represent its voters. The crime is against Missouri's right of self-government, suffered because Missouri's political complexion differs from that of the ruling power in Congress. It is the basest of offenses, wholly repugnant to the people's institutions and going deeply to the fundamentals of government.

The SPEAKER pro tempore (before the reading of the article was concluded). The time of the gentleman from Indiana [Mr. ROBINSON] has expired.

Mr. RICHARDSON of Tennessee. I yield the remainder of my time—three minutes, I believe—

Several MEMBERS. Let the rest of the article be read.

Mr. RICHARDSON of Tennessee. I promised some time to the gentleman from New York. If he does not wish to use it, I ask the Clerk to complete the reading of the article just sent to the desk.

The Clerk resumed and concluded the reading of the article.

Mr. ROBINSON of Indiana. This is the evidence of a paper uniformly against Mr. Butler; and it shows the sentiment created by the arbitrary and unjustifiable action of the House.

Now, if there is any member of the majority of Elections Committee No. 2 who desires to stand up in my time and say that he has read this evidence through, I give him the opportunity now to do so; and I pause for that purpose.

Mr. OLMSTED. How many minutes have I? I should like to occupy that time.

Mr. ROBINSON of Indiana. The gentleman from Pennsylvania [Mr. OLMSTED] then, as I understand, is one such member. Let us have another.

A MEMBER (on the Democratic side). He does not say that he has read the evidence.

Mr. ROBINSON of Indiana. I am still waiting for any member of the committee to stand up and say that he has read this evidence so as to be able to pass upon it judicially.

Mr. MILLER rose.

Mr. ROBINSON of Indiana. The gentleman from Kansas [Mr. MILLER] is another.

A MEMBER (on the Democratic side). He does not say that he has read the evidence.

Mr. MILLER. How much time—

Mr. ROBINSON of Indiana. I yield for the statement of any member of the committee that he has read this evidence through.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. HEPBURN. Mr. Speaker, during the last three or four days we have heard so many complaints and so many charges made by the minority of this House that it seems to me it is entirely proper that we should look at the situation—the situation that has led to the events that have been so seriously criticised.

A few days ago, near the end of the session—at a time when there were nearly or quite forty reports from conference committees awaiting final action—action upon which much of the legislation of this House heretofore had been dependent—when nine of the great supply bills were still either undergoing amendment in the other House, or were in the hands of conference committees, necessitating action, imperative and final, with regard to those bills—action that must be had, or else the wheels of the Government stop for want of supplies—at that time it was rumored that there was to be a report for action from the Committee on Elections No. 2. At once what was the attitude of the Democratic party in this House? Without waiting, they at once announced the threat—their threat—that if the majority saw fit to consider that case, they would then prevent by every means possible all of that action necessary to complete the legislation of this session. That was the threat that you made.

When the report was brought in, immediately their tactics of delay were begun. You announced that there should be no vote without a roll call—that there should be no business save by an active majority—that at all times there should be a quorum. In other words, you took the position upon yourselves of stopping legislation, so far as you could, if the majority saw fit to legislate as their consciences should direct. [Applause on the Republican side.] That was your attitude. Now you complain. You say that there is not that deliberation, that attention given to business that should be given. We are all willing to admit that. No one denies that. Who is responsible?

Mr. GILBERT. You are.

Mr. HEPBURN. If there is not more of debate, who is responsible? [Cries of "You!" on the Democratic side.] Certainly the minority. You are the responsible parties. We would infinitely prefer, infinitely, to use that time in appropriate discussion which you compel us to use in calling the yeas and nays. [Applause on the Republican side.] Day before yesterday you compelled us to consume seven and one-half hours in calling yeas and nays. There was no necessity for any one of those roll calls, for in nearly every instance you yourselves voted for the bills. [Applause on

the Republican side.] I think, Mr. Speaker, that it is time that the country knew how these gentlemen are deporting themselves. [Laughter on the Democratic side.] It is time the attention of the country was called to the wasteful and prodigal manner in which they are spending the precious moments, the last moments of this session.

Mr. Speaker, I have no doubt but that the gentlemen are dissatisfied with the rules of this House. Why? Because they compel you to act, and I tell you, gentlemen, you can fritter away all of the time possible, but I warn you that the legislation is to be had. We are going to have all that is necessary; we are going to hold you up to your own positions, and all of these efforts of yours, I warn you now, are to be abortive. The legislation is to be had. It may be inconvenient to many of us. It may be that it will be less pleasant than otherwise it would be, but you have got to take your medicine, gentlemen. [Applause and laughter on the Republican side.] We do not intend to allow you, rebellious as you are, to frustrate our purposes in completing the wholesome legislation of this session. Mark that. [Applause on Republican side, and cries of "How about the unwholesome legislation?" on the Democratic side.]

The SPEAKER pro tempore. The House will be in order.

Mr. HEPBURN. Mr. Speaker—

Mr. BURLESON. Let us make it an extra session.

Mr. HEPBURN. Mr. Speaker, the rules of this House [laughter on the Democratic side]—and I want here to say that I am especially aggrieved by the action of these gentlemen, for I have for a long time been complaining of the severity and rigor of the rules as they have been adopted [laughter], and especially do I dislike being compelled in the public service and in order that righteousness may prevail to force upon you other rules that are still more hateful to my sensibilities. [Laughter.] Therefore I have a personal quarrel with you because of your procedure—that you have insisted upon imposing this undesirable duty upon us.

But after all, Mr. Speaker, the rules that I would complain of are not the rules that we have been compelled to insist upon here. They are rules which you gentlemen yourselves have participated in enacting. [Cries of "Oh, no!" on the Democratic side.] In substance, at least. You complain of the arbitrary procedure of the Speaker in ruling upon dilatory motions. Have you not aided in investing that officer with that power? [Cries of "No!" on the Democratic side.] Undoubtedly you have, and it was exercised in the Fifty-third Congress. Have you not aided in giving to the Committee on Rules all of the seemingly arbitrary powers that it has at any time indulged in? [Cries of "Oh, no!" on the Democratic side.] Surely you have. Every rule, every thing that you complain of, all of the rulings that you complain of, you yourselves have been parties to in times past. [Cries of "Oh, no!" on the Democratic side.]

You are now exceedingly fearful of precedent. You are very fearful that we are creating precedent which at some time may affect the virtue of that possible majority which you hope, you tell us, some time to have in this House. [Laughter on the Republican side.] But, gentlemen, if there is peril in precedent, it is a peril that now you are suffering from, because that which you complain of is in harmony with precedent; that which you now decry is but the following of the example which you have established, a precedent that you have enacted.

Mr. RICHARDSON of Alabama. Will the gentleman from Iowa allow me to ask him a question?

The SPEAKER pro tempore. The gentleman's time has just expired. [Laughter.]

Mr. MERCER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, it had not been my intention to say anything further in this case, but the remarks just made lead me to break that resolution.

The Twelfth Congressional district of Missouri, embracing 116 election precincts, extends across the city of St. Louis from east to west, embracing some of the most respectable and some of the most disreputable portions of that city.

In 53 precincts, undisputed, uncontroverted, admitted by both sides, WAGONER had 2,053 majority. In 41 precincts there was in every one of them such fraud, every conceivable kind of crime against the elective franchise, false registration, false personation of voters, stuffing of the ballot box, robbing of the ballot box, duplication of ballots, and false return of ballots that it was impossible for any man to ascertain the honest vote, if there was any honest vote in those precincts.

We therefore cast out those 41 precincts, following the precept and example set us in a case to which I desire to call attention. It is Finley against Bisbee (1 Ellsworth, 74) in the Forty-fifth Congress, where it was held—

That where the result at a poll is shown by the returns to be false and fraudulent, and it is impossible to ascertain from the other evidence in the case the true vote of said poll, the vote of said poll must be entirely rejected.

That report was signed by Judge Thomas W. Cobb, of Indiana, John T. Harris, of Virginia, Milton A. Candler, of Mississippi, E. John Ellis, of Louisiana, William M. Springer, of Illinois, Jere N. Williams, of Indiana, and adopted by a Democratic Congress, presided over by Samuel J. Randall as Speaker. That report was indorsed by John G. Carlisle. It has been the law from that day to this, followed by Congress, by courts, and by State legislatures. It fitted here exactly.

Mr. RUCKER. Mr. Speaker, may I ask the gentleman a question?

Mr. OLMSTED. I do not yield until I finish my statement.

Mr. GAINES of Tennessee. Are you talking about the Philadelphia election?

The SPEAKER pro tempore. The gentleman from Tennessee is not in order.

Mr. OLMSTED. Any man in Philadelphia perpetrating such crimes would have gone to the penitentiary within thirty days. [Derisive laughter on the Democratic side.]

Mr. GAINES of Tennessee. Which would have reduced your Republican majority?

The SPEAKER pro tempore. When the gentleman from Tennessee desires to interrupt a member, he will first address the Chair.

Mr. OLMSTED. Many of the perpetrators of these crimes in St. Louis are under indictment there to-day. In addition to these 41 precincts thus rejected there were 22 in controversy. One gave a small majority for WAGONER. The others gave majorities for Butler. WAGONER's counsel contended that they should be thrown out. The committee, not agreeing with him, retained them, reducing WAGONER's majority to 767, on account of which majority he was seated in this House.

Now, one word as to partisanship. There have been twelve contests in this Republican Congress. Every one of them save two has resulted favorably to the Democrats. If that is partisanship, make the most of it. These gentlemen are sitting upon that side of the Chamber to-day as the result of our action in committee and the action of this Republican House.

Mr. RUCKER. May I ask the gentleman a question?

Mr. OLMSTED. I will now yield to the gentleman.

Mr. RUCKER. Are the gentlemen referred to by the gentleman from Pennsylvania entitled to sit here or not?

Mr. OLMSTED. Well, I will say that as to some of them we had serious doubts; but as the evidence did not clearly prove a case against them, we found in their favor.

Mr. RUCKER. That is, you graciously permitted them to stay here, as I understand.

Mr. PAYNE. No; he gave you the benefit of the doubt.

Mr. OLMSTED. No; we gave you the benefit of the doubt.

Mr. RUCKER. May I ask the gentleman another question?

The SPEAKER pro tempore. Does the gentleman yield for a question?

Mr. OLMSTED. I will yield to my friend from Missouri.

Mr. RUCKER. I will ask you if you or your committee made the least effort on earth to ascertain what legal votes were cast in that district?

Mr. OLMSTED. Why, Mr. Speaker, I personally sat up nights, days, and Sundays. I went over and compared every vote as recorded from the ballot box, every poll book kept at the polls, and I say it is impossible for any man to say what the honest vote was, because ballots were literally abstracted that the poll book showed to have been cast. Nobody could tell, for they were not there.

Mr. RUCKER. I will ask the gentleman if he does not know that a nonbiased man would have found scores and hundreds of honest votes.

The SPEAKER pro tempore. The gentleman from Missouri must wait until the gentleman yields to him.

Mr. OLMSTED. It was absolutely impossible on account of the frauds that had been perpetrated for any living man to tell what honest vote had been cast in any one of these 41 precincts. Let me give you one instance. In one precinct 434 people had voted. Not one of their addresses was given in the poll books required by law to be made at the polls as the voting progresses by entering the name, address, and number of the ballot of each man who votes, and the evidence showed that the poll book was made up two days after the election. Three hundred and forty ballots found in the box, including 73 duplicates, bore Butler's name. The judges gave him 392.

Mr. RUCKER. Mr. Speaker—

The SPEAKER pro tempore. The time of the gentleman has expired. [Loud applause on the Republican side.]

Mr. VANDIVER. The gentleman's apology is not accepted. [Laughter and applause on the Democratic side.]

Mr. MERCER. Mr. Speaker, the gentleman from Missouri [Mr. BARTHOLOTT] desires time.

I desire to say, Mr. Speaker, that this situation reminds me of

a story I once heard about two sailors. [Cries of "Oh, do not tell it!" and cries of "Tell it!"] Mr. Speaker, it is really a good story [laughter], and before I attempt to say anything about it I desire to call your attention to the fact that we are discussing or supposed to be discussing the propriety of having this omnibus public-building bill go into conference. The election contest has been settled. Drop it. Now, if any gentleman cares to hear my story, come with me to the cloakroom when this resolution passes. I yield the rest of my time to the gentleman from Missouri [Mr. BARTHOLOTT]. [Laughter.]

Mr. BARTHOLOTT. Mr. Speaker, I am going to occupy the time of the House just two minutes. I desire the members of the House to know—

Mr. SULZER. Louder.

The SPEAKER pro tempore. The gentleman from New York is out of order. The House will please be in order. A reasonable degree of order will permit all gentlemen to hear every gentleman who speaks.

Mr. BARTHOLOTT. Mr. Speaker, I wish the House to know, Republicans as well as Democrats, that the position taken by the Democratic minority upon the Wagoner-Butler contest is at variance with the position taken by the reputable Democrats of the city of St. Louis and the reputable Democrats of the Twelfth district of Missouri.

Mr. RUCKER. Mr. Speaker—

Mr. BARTHOLOTT. I shall not yield.

Mr. RUCKER. No reputable Democrat has authorized you to speak for him. [Applause on the Democratic side.]

Mr. BARTHOLOTT. I speak for a good many of them. They wash their hands of the colossal frauds which have been perpetrated in that district, and claim that the Democratic party of the city of St. Louis and the State of Missouri is not responsible for those frauds and crimes. [Loud applause on the Republican side.] The position of the Democratic minority here makes them shoulder the responsibility for these crimes and these frauds, and you really identify yourselves with them before the country.

Mr. KLUTTZ. That does not justify the rulings of the Chair. [Applause on the Democratic side.]

Mr. BARTHOLOTT. There has been no attempt made, Mr. Speaker, on the part of any one of the five Democratic daily newspapers in the city of St. Louis to go into the merits of that case, not even the paper said to be controlled and owned by the father of the contestee. Not one of these papers has denied that ten or fifteen thousand fraudulent names had been placed upon the registration lists.

Mr. RUCKER. Mr. Speaker, will the gentleman yield to me?

Mr. BARTHOLOTT. I can not yield.

Mr. RUCKER. I just wanted to say these newspapers are like the Elections Committee.

Mr. BARTHOLOTT. You can make your speech in your own time. I say from what I know of this case, Mr. Speaker, and I think I know many of the details, that there has never been such a contest before the House, and I hope the proceedings that have been enacted here during the last two or three days will result in making it a national issue.

Several MEMBERS on the Democratic side. It will.

Mr. BARTHOLOTT. If it is made a national issue and an election is to be held upon that issue, I predict that the Democratic minority will barely elect a corporal's guard. [Loud applause on the Republican side, and jeers and laughter on the Democratic side.]

The SPEAKER pro tempore. The question is upon suspending the rules and agreeing to the motion of the gentleman from Nebraska to disagree to the Senate amendments and to agree to the conference asked.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. PAYNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 225, nays 14, answered "present" 13, not voting 99; as follows:

YEAS—225.

Acheson,	Blackburn,	Burton,	Cowherd,
Adamson,	Blakeney,	Butler,	Cromer,
Alexander,	Boutell,	Caldwell,	Crumpacker,
Allen, Ky.	Bowie,	Candler,	Currier,
Allen, Mo.	Brandegee,	Cannon,	Cushman,
Applin,	Breazeale,	Capron,	Dalzell,
Babcock,	Brick,	Cassell,	Darragh,
Ball, Del.	Bromwell,	Cassingham,	Davey, La.
Bankhead,	Brown,	Clark,	Davidson,
Bartoldt,	Brownlow,	Connell,	Davis, Fla.
Bartlett,	Brundidge,	Conner,	De Armond,
Bates,	Burk, Pa.	Coombs,	Deemer,
Beidler,	Burke, S. Dak.	Cooper, Tex.	Dinsmore,
Bell,	Burkett,	Cooper, Wis.	Douglas,
Billmeyer,	Burleigh,	Corliss,	Dovener,
Bishop,	Burleson,	Cousins,	Draper,

Driscoll, Dwight, Emerson, Esch, Finley, Flanagan, Fleming, Fletcher, Flood, Foerderer, Fordney, Foss, Foster, Vt. Fowler, Gaines, Tenn. Gaines, W. Va. Gardner, Mich. Gardner, N. J. Gibson, Gilbert, Gillet, N. Y. Goldfogle, Gooch, Graft, Graham, Green, Pa. Greene, Mass. Griggs, Grosvenor, Grow, Hamilton, Haskins, Haugen, Hedge, Hemenway, Hepburn, Hill, Hitt, Holliday, Hopkins, Howard,	Howell, Hull, Irwin, Jack, Jackson, Kans. Jenkins, Johnson, Jones, Va. Jones, Wash. Joy, Kahn, Kehoe, Kern, Kitchin, Claude Kittchin, Wm. W. Kluttz, Knapp, Kyle, Lacey, Lamb, Lawrence, Lessler, Lever, Lewis, Ga. Lewis, Pa. Little, Littlefield, Livingston, Long, Loudenslager, Loving, McAndrews, McCall, McCallan, McCulloch, McLachlan, Maddox, Mahon, Mahoney, Marshall,	Martin, Maynard, Mercer, Mickey, Miers, Ind. Minor, Moody, Moon, Morgan, Morrell, Moss, Mutchler, Needham, Nevin, Olmsted, Otjen, Overstreet, Patterson, Pa. Pearre, Perkins, Pierce, Powers, Mass. Reeder, Reeves, Richardson, Ala. Rixey, Roberts, Robertson, La. Robinson, Ind. Robinson, Nebr. Rucker, Russell, Ryan, Schirm, Scott, Selby, Shackelford, Shelden, Sheppard, Showalter, Small,	Smith, Iowa Smith, Ky. Smith, S. W. Smith, Wm. Alden Southard, Southwick, Sparkman, Sperry, Spight, Stark, Steele, Stewart, N. Y. Storm, Sullivan, Sulzer, Sutherland, Swann, Tate, Tawney, Thomas, Iowa Thomas, N. C. Thompson, Thurrell, Trimble, Underwood, Van Voorhis, Wachter, Wagoner, Wanger, Warner, Warnock, Watson, White, Willey, Williams, Ill. Wright, Young, Zenor.
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Clayton, Cooney, Fitzgerald, Gordon,	Hooker, McRae, Mann, Padgett,	NAYS—14. Randell, Tex. Reid, Richardson, Tenn. Sims,	Slayden, Snodgrass.
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Barney, Burgess, Dayton, Gillett, Mass.	ANSWERED "PRESENT"—13. Hay, Ketcham, Lindsay, Miller,	Stephens, Tex.
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Adams, Ball, Tex. Bellamy, Belmont, Benton, Bingham, Boreing, Bowersock, Brantley, Bristow, Broussard, Bull, Burnett, Calderhead, Cochran, Conry, Creamer, Crowley, Curtis, Dahle, Dick, Dougherty, Eddy, Edwards, Elliott,	NOT VOTING—99. Evans, Feely, Foster, Ill. Fox, Gardner, Mass. Gill, Glass, Glenn, Griffith, Hanbury, Heatwole, Henry, Conn. Henry, Miss. Henry, Tex. Hildebrandt, Hughes, Jackson, Md. Jett, Kleberg, Knox, Landis, Lassiter, Latimer, Lester, Lloyd,	Shattuc, Sibley, Skiles, Smith, Ill. Smith, H. C. Snook, Stevens, Minn. Stewart, N. J. Swanson, Talbert, Taylor, Ohio Taylor, Ala. Thayer, Tompkins, N. Y. Tompkins, Ohio Vandiver, Vreeland, Wadsworth, Weeks, Wheeler, Williams, Miss. Wilson, Woods, Wooten.
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So, two-thirds having voted in favor thereof, the motion of Mr. MERCER was agreed to.

The following additional pairs were announced:
Until further notice:

Mr. McCLEARY with Mr. BENTON.
Mr. CANNON with Mr. McRAE.
Mr. WADSWORTH with Mr. WILLIAMS of Mississippi.
On this vote:

Mr. LANDIS with Mr. LATIMER.
Mr. MUDD with Mr. HAY.
Mr. CALDERHEAD with Mr. LESTER.
Mr. BOREING with Mr. POU.
Mr. HEATWOLE with Mr. HENRY of Texas.
Mr. HENRY of Connecticut with Mr. NEVILLE.
Mr. BOWERSOCK with Mr. JETT.
Mr. DICK with Mr. LLOYD.

The result of the vote was then announced as above recorded.

The following conferees were appointed on the part of the House:
Mr. MERCER, Mr. GILLET of New York, and Mr. BANKHEAD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12199) to regulate the immigration of aliens into the United States disagreed to by the House of Representatives, had agreed to the conference asked by the House on

the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. FAIRBANKS, Mr. LODGE, Mr. CLAY, and Mr. McLAURIN of Mississippi as the conferees on the part of the Senate.

DELEGATE TO UNITED STATES HOUSE OF REPRESENTATIVES FROM PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the following bill, which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico.

Be it enacted, etc., That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, 1904, and every two years thereafter, elect a Delegate to the House of Representatives of the United States, whose term of office shall commence on the 4th day of March next succeeding the date of his election. Such Delegate shall have a seat in the House of Representatives, with the right to debate, but not to vote, and shall be entitled to the same compensation for salary and other allowances and to the same rights and privileges as the Delegates from the Territories of the United States. No person shall be eligible to such election who is not a bona fide citizen and voter of Porto Rico, who is not 25 years of age, and who does not read and write the English language.

SEC. 2. That the Delegate herein provided for shall be elected in lieu of the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900: *Provided*, That all the provisions of this act shall apply to the present resident commissioner from Porto Rico to the United States.

SEC. 3. That all act and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. I object, Mr. Speaker.

The SPEAKER pro tempore appointed as tellers Mr. COOPER of Wisconsin and Mr. UNDERWOOD.

The House divided; and the tellers reported—ayes 100, noes 2.

A second was therefore ordered.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill, excepting two slight amendments, was originally reported from the Committee on Insular Affairs on the 20th of May last. The report was unanimous. It provides for the election of a Delegate from Porto Rico to the House of Representatives, that Delegate not to have the right to vote here, but to have the right to speak here, and to have other privileges accorded under the law to Delegates from the Territories of the United States. It makes provision also that the act, if the bill becomes an act, shall be applicable to the present resident commissioner from Porto Rico to the United States.

Under the Government of Spain, Porto Rico elected 16 representatives to the Chamber of Deputies and four to the Senate of the Spanish Cortes.

Mr. GILBERT. Mr. Speaker, will the gentleman from Wisconsin yield for a question?

Mr. COOPER of Wisconsin. For a question.

Mr. GILBERT. From the reading of this bill, it appears that the present resident commissioner from Porto Rico is to act as Delegate until the expiration of the Fifty-seventh Congress, which expires on the 4th of March next. The bill further provides that the Delegate hereafter to be elected on the first Tuesday after the first Monday in November, 1902, and every two years thereafter. There appears to be an interregnum between the Fifty-seventh Congress and the next election as provided for under the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the gentleman from Kentucky, I will say that the bill which was read from the Clerk's desk is amended by striking out of line 5 of section 1 the word "two" where it first appears; so that the language now reads "the election of 1904;" and that it is further amended in line 20 of page 2 by striking out the words "whose term of office is hereby extended to the date of the expiration of the Fifty-seventh Congress," these words being unnecessary, as the present resident commissioner, now here, has been re-elected to the Fifty-eighth Congress.

As I was saying, Mr. Speaker, when interrupted, Porto Rico elected 16 representatives to the Spanish Chamber of Deputies and 4 to the Senate of the Spanish Cortes. The present resident commissioner, with whom I think the great majority, if not all the membership, of the House are well acquainted, was himself elected from Porto Rico as a delegate to the Spanish Cortes, and was a member of that body on the breaking out of the war between this country and Spain.

Porto Rico has 1,000,000 inhabitants. It is, I think, forever to belong to the United States of America. Its people are industrious and law-abiding. They are now prosperous and exceedingly desirous that they shall be treated on this floor as are the people

of the Territories of the United States. There is no reason in the opinion of the Insular Committees, nor do I think there ought to be any reason in the mind of any person who reflects upon the subject, why Hawaii, with less than 200,000 people, should have a Delegate entitled to speak for her on this floor, while Porto Rico, with her 1,000,000 people, is denied that privilege.

To-day the resident commissioner from Porto Rico is obliged to consult members of the House in their rooms at hotels or boarding houses, in the lobby of the House, or do the best he can in a whispered consultation on the floor. Under all the circumstances the Committee on Insular Affairs were unanimously of the opinion that this bill ought to pass, and I sincerely hope that it will pass without opposition from our friends on the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBINSON of Indiana. Will the gentleman yield to me a moment before he takes his seat?

Mr. COOPER of Wisconsin. I will.

Mr. ROBINSON of Indiana. Mr. Speaker, I quite agree with the gentleman's position, that Porto Rico ought to have, as the other Territories have, a Delegate on this floor. I want to supplement that remark by saying that instead of this demand being unjust or premature, I think it has only been too long delayed and that Porto Rico ought to have this Delegate according to the provisions of the bill now presented.

Mr. TAWNEY. Does the gentleman ask unanimous consent that she may be allowed a Delegate?

Mr. ROBINSON of Indiana. No; I think the usual procedure is being pursued, under the "Reed rules."

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] controls the time for twenty minutes.

Mr. UNDERWOOD. Mr. Speaker, I want to congratulate the Republican side of the House that in the expiring hours of this Congress they are at last willing to do justice to one of our colonies. I wish to call their attention to the fact that when the first bill was passed creating a colonial government in Porto Rico, the Democratic party on the floor of this House insisted that the people of Porto Rico should have a Delegate on this floor to look after their interests and attend to their business. It is true that it has taken four long years for the Republican party to wake up to the fact of the injustice that they were doing those people; but we now congratulate you on the fact that you have at last consented to come to the position taken by the Democratic party four years ago.

Mr. TAWNEY rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Minnesota?

Mr. UNDERWOOD. I yield.

Mr. TAWNEY. Will the gentleman explain why he longer delays the granting of this right to Porto Rico by the speech which he is just now making?

Mr. UNDERWOOD. Well, simply from the fact that the people of the United States are entitled to some extent to know the legislation that the Republican party is "railroading" through this Congress, and when we have an opportunity to explain what legislation is going on and what you are doing, we propose to let the country know, by the records of this Congress, what is being done in these last hours.

Mr. MANN. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Alabama [Mr. UNDERWOOD] yield for a question?

Mr. UNDERWOOD. I do.

Mr. MANN. Is the gentleman in favor of this bill?

Mr. UNDERWOOD. I am.

Mr. MANN. Then I make the point of order that the gentleman is not entitled to control the time in opposition to the bill.

Mr. ROBINSON of Indiana. And I make the point of order that that comes too late.

Mr. MANN. Oh, no; there was no way of finding out the gentleman's position until he declared himself. [Cries of "Regular order!"]

Mr. UNDERWOOD. I hope that this interruption is not coming out of my time.

Mr. MANN. Mr. Speaker, the rules provide that forty minutes for debate on a motion to suspend the rules shall be divided equally between those in favor of the motion and those opposed. The gentleman from Alabama now states that he is in favor of this bill; and I raise the point of order that he is not entitled to control the time in opposition to it.

Mr. HAY. I raise the point of order that the point of the gentleman from Illinois [Mr. MANN] is "dilatatory." [Laughter.]

Mr. UNDERWOOD. Mr. Speaker—

The SPEAKER. The gentleman from Alabama will suspend. When this matter was called up the gentleman from Alabama demanded a second, which was his privilege. Presumably he is on the other side of the question. But now, after he has ad-

ressed the House for some little time, the gentleman from Illinois makes the point of order that the gentleman from Alabama is not opposed to the bill and should not be allowed to represent the side in opposition to it. While the Chair has not had an opportunity to listen to the argument of the gentleman from Alabama, the presumption is that he is opposed to the bill.

Mr. MANN. Well, Mr. Speaker, the gentleman stated a moment ago that he was in favor of the bill. It is not a question of argument.

The SPEAKER. The gentleman from Illinois will suspend a moment. It seems this argument has been going on, and now, after the argument has thus far advanced, the point of order is made. While the Chair is not entirely satisfied with the ruling, he will be compelled to hold that the objection comes too late, and will allow the gentleman from Alabama to control the twenty minutes.

Mr. UNDERWOOD. Mr. Speaker, I will say that there are others to whom I intend to yield the time. I was merely voicing my own opinion on this question. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, yesterday when the District appropriation bill was under consideration I attempted to secure two minutes from the gentleman in charge of that bill. It was not my purpose at that time to attempt to discuss the report before the House. Rather, I had intended to explain why it was impossible for me to submit some remarks pertaining to one branch of the government of the District of Columbia which I desired to present to the House. When the District of Columbia appropriation bill was before the House in Committee of the Whole an item was taken from the bill on a point of order raised by myself. I have too great respect for this House to have it trifle with me in its present mood, and for that reason I do not at this time purpose discussing some of the vicious features of the District government which I had intended to.

I have been for some time gathering information and statistics regarding one feature of the District government. I have them here. If it were possible to have this House consider in an impartial and judicial manner the things that I have collated regarding the efficiency of the police department in the District of Columbia, I would be pleased to present them to the House. At some other time, when members have the time and will take the time to consider these matters, I will present them to the House. I do not charge that the police department of the District, as an entire force, is either corrupt or inefficient, but I have reason to believe, Mr. Speaker, from the information at my command, that under its present head it is not only inefficient, but, I am inclined to believe, in some aspects very corrupt.

The District Committee increased the salary of the chief of police of the District without a recommendation from the Commissioners. They disagreed to an item placed in the bill by the Senate increasing the salaries of the 10 lieutenants of police to an amount which did not require \$100 a year for that entire increase more in addition to the amount provided for the chief's salary. The House conferees insisted on a provision of the bill which legislated out of office the present chief of the fire department because he had no previous experience in any organized fire department in the country, while they permitted a different rule to apply in respect to the chief of police. I do not intend to comment at this time upon these facts, but I wish to put upon notice those who are interested, for various reasons, in the welfare of the present chief of police of this District, that in the fullness of time—and there are several sessions of Congress at which I expect to be present—with what matter I may secure additional to the little volume I have here regarding the effectiveness of this force, I will present these facts to the House and to the country, and I am quite convinced—

Mr. PEARRE. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. PEARRE. May I ask the gentleman when he began this investigation of the efficiency of the superintendent of police of the District of Columbia?

Mr. FITZGERALD. Yes; the gentleman may ask that.

Mr. PEARRE. Will the gentleman answer it?

Mr. FITZGERALD. Yes.

Mr. PEARRE. When?

Mr. FITZGERALD. About the adjournment of the last session of Congress.

Mr. PEARRE. Will the gentleman permit another question?

Mr. FITZGERALD. Yes.

Mr. PEARRE. What was the gentleman's motive in making that inquiry?

Mr. FITZGERALD. The same motive that prompts the gentleman in the discharge of his duty.

Mr. PEARRE. Was there no personal motive?

Mr. FITZGERALD. Not particularly.

Mr. PEARRE. May I not ask the gentleman whether he did not run counter—

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I will ask the gentleman from Alabama to yield me a minute or two to answer these questions.

Mr. UNDERWOOD. I will yield the time.

Mr. PEARRE. May I ask the gentleman whether he did not run counter to that superintendent of police in the proper performance of his duty upon inauguration day.

Mr. FITZGERALD. Not at all. The chief of police ran counter to the gentleman from New York in the improper discharge of his duty after inauguration had passed. [Laughter.]

Mr. PEARRE. Then I assume the gentleman from New York believed that he was controlling the police force of the city of Washington at that time.

Mr. FITZGERALD. Does the gentleman mean me when he says "he?"

Mr. PEARRE. Yes.

Mr. FITZGERALD. Oh, no; the gentleman's assumption is so erroneous that I could not take time to explain his misapprehension.

Mr. PEARRE. This same gentleman was superintendent of police at that time.

Mr. FITZGERALD. Undoubtedly. He has been for four years, as the gentleman knows better than I do.

Mr. PEARRE. Was not the gentleman stopped by a police officer in crossing the street?

Mr. FITZGERALD. Unquestionably.

Mr. PEARRE. And did not that make the gentleman very indignant?

Mr. FITZGERALD. At that time; yes.

Mr. PEARRE. Is not that the motive for this investigation?

Mr. FITZGERALD. Oh, not at all. The motive that prompted me was the fact that the chief of police of this city, in the carrying out of a threat, maliciously and falsely uttered an interview in a public print in my city which, at the time he did utter it, he knew to be false. And it was done for the purpose, as he imagined, of injuring me.

The SPEAKER. The gentleman's additional time has expired.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I dislike to disagree with a colleague upon a question of this sort, but I want to say that the superintendent of police of the city of Washington discharges his duties with as much ability as any man in this country. [Applause.] He is a gentleman who is incapable of being guilty of any charges which the gentleman from New York may hereafter be able to bring against him. The gentleman certainly has not brought any against him yet, and this attack by innuendo, in my opinion, not worthy of the gentleman from New York. Now, the gentleman says that he has a reason for it, because the superintendent of police gave out an interview to a newspaper. I say upon the authority of Major Sylvester that he never gave out any such interview, and that if any such interview appeared it was a fabrication, and that he informed the gentleman from New York of the fact, and yet the gentleman from New York now makes that charge upon this floor.

Mr. FITZGERALD. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to a question?

Mr. HAY. I will.

Mr. FITZGERALD. Is the gentleman aware of the fact that the denial of the authenticity of the interview did not come until the chief of police feared that an increase of his salary would not be granted?

Mr. HAY. I am not aware of it.

Mr. FITZGERALD. Well, I assert to the gentleman that that is a fact.

Mr. HAY. And I will say to the gentleman that the superintendent of police was not aware of the publication of that interview until the gentleman from New York brought it out for the purpose of keeping down the salary of the superintendent of police, even when the superintendent of police had not asked to have his salary increased.

Mr. FITZGERALD. I will state to the gentleman that the information that that interview had been issued was brought to the knowledge of the chief of police within at the latest two weeks from the time that he himself gave it out, and I know what I am speaking of, and the gentleman speaks from hearsay purely.

Mr. HAY. I do not. I speak from the same sort of hearsay that the gentleman from New York does.

Mr. RYAN. Will the gentleman permit a question?

Mr. HAY. Oh, yes.

Mr. RYAN. Is it not a fact that this purported interview did appear in a Brooklyn paper?

Mr. HAY. Yes; it is a fact, I believe.

Mr. RYAN. Is it not a fact that the opportunity has been denied this gentleman [Mr. FITZGERALD] to prove positively that that interview emanated from the superintendent of the District police?

Mr. HAY. It is not a fact that the superintendent of the District police had any opportunity whatever to know it. He did not know it when it appeared there. He can not read every newspaper in the United States, nor can any of us do it.

Mr. RYAN. The gentleman understands that within two weeks after it appeared his attention was called to it.

Mr. HAY. If it was, it was denied at the time. I am authorized by the gentleman to say so. Now, I say, Mr. Speaker, that if there is an attack to be made upon a public official of the Government, it should be made and proofs brought. The gentleman from New York went so far as to say that the police department of this city was corruptly administered. That is a very severe charge. It is a charge which should not be brought unless the gentleman is ready now with his proofs; and I say from my knowledge of the superintendent of police that a more high-minded gentleman, a man of more integrity, a gentleman upon whom any member of this House can more implicitly rely for any statement which he may make, there is none. And I say moreover that I am sorry that the gentleman from New York should have ever brought this matter into this House; because while we can all understand that the gentleman from New York was very much enraged on the occasion of which he has spoken, we can not appreciate that he should bring the matter here.

[Here the hammer fell.]

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from Wisconsin [Mr. COOPER] if he is going to consume any more time.

Mr. COOPER of Wisconsin. I desire to close the debate.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

The SPEAKER. The gentleman from Alabama has three minutes remaining.

Mr. WILLIAMS of Illinois. Mr. Speaker, as no discussion of the Butler case was allowed before Mr. Butler was turned out, in the three minutes which I have I wish to refer to that case very briefly. I want to call the attention of gentlemen on the other side to the fact that it is not a question of whether Mr. Butler or Mr. WAGONER was elected that has caused the complaint on this side of the House. But our protest is against the desperate methods used. We insist that when a member is elected to this House by 6,000 majority and comes here commissioned by the governor of his State, before turning him out he is entitled to a fair trial; and what you call the trial of the Butler case is as great a farce as was ever perpetrated in the House of Representatives, and you know it.

I shall not go into the merits of the case, for I can not say that I know any more about its merits than you gentlemen over there, who voted to turn him out without knowing anything about it. I admit the gentleman from Pennsylvania spent five or six days and nights, as he claims, studying this long and intricate case. But he must remember that it takes a very able lawyer to present in an intelligent manner a case like that in one hour to men who know nothing about it after he has taken one week to get an understanding of the case himself [applause on the Democratic side], and yet he says it was a very laborious case, and he came in here and in less than one hour presented to the House a case in which it required him several days and nights to read the evidence and I do not believe he claims he read it all. I took time to read the gentleman's speech—I had nothing else to engage myself with at that time, and I read it, and I find no evidence in it to justify throwing out 41 precincts, no evidence upon which to unseat Mr. Butler, except the mere conclusions of the gentleman from Pennsylvania.

I do not wonder that the gentleman from Pennsylvania is very sensitive on the question of frauds, since he has a city in his own State that has made some reputation on that question. And in that connection I desire to have read from the Clerk's desk a paper which I send up.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS of Illinois. I will read it hereafter.

The SPEAKER. The gentleman from Wisconsin has fourteen minutes remaining.

Mr. COOPER of Wisconsin. I yield four minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, for the first time since this remarkable day began, now more than a hundred hours ago, I am going to give to the House a few moments of debate pertinent to the bill under consideration. [Applause.] I have been interested in the report on this bill, which recommends that the present commissioner from the colony of Porto Rico be given the power, privileges, and emoluments of a Delegate in the Congress of the

United States. I can not but help contrast that meager allowance to the representative of nearly 1,000,000 people with the privileges which they enjoyed under the ancient and, as we are in the habit of saying, decaying and corrupt Kingdom of Spain.

In the Spanish Cortes the island of Porto Rico had 4 senators and 16 representatives, granted all the powers and privileges of all the other senators and representatives of that Kingdom. They had full power to vote, full power to actually represent their people. In exchange for that we concede them, or did concede them, first, the sorry privilege of having a commissioner to hang around the doors of this Chamber and send in his card and thus seek the privilege of conferring with a member of this House about the business of a million people, and that too while we claim that we are a representative Government. We have advanced with time, and now we propose to accord him the privilege of speaking upon the floor of this House, but all the privileges we give him fall far short of that which he enjoyed as a member in the Spanish Cortes. This is presumably a representative government. It is presumably a Government in which the people speak for themselves through representatives, a privilege which was given them by the Kingdom of Spain, and yet we deny it to them in this Government, which is supposedly a representative Government. He was there a full-fledged deputy. Here he is something which is neither fish, flesh, nor fowl—nor good red herring.

This report says that Porto Rico has nearly 1,000,000 inhabitants, and that its people are law-abiding and industrious.

Now, Mr. Speaker, if gentlemen have kept familiar with the debates in the Senate with reference to the proposed admission of Arizona and New Mexico as States of this Union, they will find that in this report, if it is to be believed, the people of Porto Rico should enjoy all the rights which any other American people enjoy; and upon the standard laid down in the debates in the Senate by distinguished gentlemen from Northern and Eastern States opposed to the admission of those Territories, Porto Rico is entitled, not to have a Delegate here who has no power to vote, no real power to represent his people, but is entitled to have five members in the House of Representatives and two Senators speaking in their interests in the Congress of the United States.

Are we going to continue to deny to these people the privileges accorded to people similarly situated in other parts of the American Union? How long will it be before the majority party of this country is courageous enough to meet the logic of its own position? How long will it be before they will stand up here and welcome the Delegates and Senators and Representatives in Congress from the Philippine Islands? This is true but tardy justice to the people of Porto Rico, and little as it does I shall favor it, and will gladly join hands with the gentleman from Wisconsin and other Representatives in doing the full measure of justice to these people. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I now yield four minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, I might perhaps crave the indulgence of the House to say a word or two about the matter the gentleman from New York [Mr. FITZGERALD] has referred to by reason of the fact that I am a member of the Committee on the District of Columbia, which recommended the increase of salary of the officer whose reputation and character are in controversy here. I asked the gentleman, Mr. Speaker, while he was talking upon this subject whether his motive in this matter was not a personal one, and whether it had not arisen from the fact that he had run foul of the police department in the proper exercise of its duty and its authority.

As I understand the case, sir—and it is thought that in the absence of the superintendent of the police that some one should state the facts in his defense—the gentleman from New York on Inauguration Day was attempting to cross Pennsylvania avenue when a police officer, stationed there with instructions not to permit anybody to cross at that place at that time, politely indicated to the gentleman from New York what his orders were, but the gentleman from New York imperiously suggested that he was a member of Congress, and claimed immunity from all rules and regulations established there at that time and place by the police department. That was the beginning of the difficulty, and that is what gave rise to the suggestion of an investigation by the gentleman from New York.

Mr. FITZGERALD rose.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from New York?

Mr. FITZGERALD. Mr. Speaker, the gentleman has made a statement, and I think he ought to permit me to ask a respectful question.

Mr. PEARRE. What is it?

Mr. FITZGERALD. I desire to know whether the gentleman from Maryland ever read the trial of the officer he mentions for

the occurrence about which he speaks?

Mr. PEARRE. I did not read the full account of the trial of the officer, and I should not have acted on a newspaper report if I had read it.

Mr. FITZGERALD. If the gentleman would read that report he would see that his statement is entirely at variance with the testimony of every single person that testified on that occasion.

Mr. PEARRE. The gentleman from New York has not vouchsafed to the House any statement of what occurred at that time, and would not admit that his motive was a personal one. The gentleman will not deny now—

Mr. FITZGERALD. I could not admit what was not true, and I respectfully decline to do so now.

Mr. PEARRE. The gentleman is guilty of a worse offense in concealing the truth from this House, especially when the gentleman knows the motive was a personal one.

Mr. FITZGERALD. Mr. Speaker, I call the gentleman to order.

The SPEAKER. The motives of gentlemen must not be impugned.

Mr. PEARRE. Mr. Speaker—

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that when a gentleman is called to order he must take his seat.

Mr. RICHARDSON of Tennessee. The rules require, Mr. Speaker, that a gentleman when called to order for words spoken in debate should take his seat, and I insist on that rule being observed. The gentleman was called to order for words spoken in debate.

The SPEAKER. The gentleman from Maryland will take his seat. The gentleman from Wisconsin—

Mr. COOPER of Wisconsin. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has six minutes.

Mr. COOPER of Wisconsin. I yield two minutes to the gentleman from Maryland.

The SPEAKER. The gentleman from Wisconsin can not do that. The gentleman from Maryland was admonished to take his seat, and if the gentleman from Wisconsin desires to proceed he can do so, but he can not yield to the gentleman from Maryland.

Mr. COOPER of Wisconsin. I yield to the gentleman from New Mexico [Mr. RODEY].

Mr. RODEY. Mr. Speaker, there may be something pathetic in a Delegate from a Territory rising to say a word for a people that are applying for the mere privileges that Territories have—that is, a voice but not a vote in this House. I might say here, to the credit of this House, it treated the Territories at this session with all due regard and all due courtesy, for it did all it could to advance us to the enjoyment of our full rights. It is a meager privilege, indeed, to grant to the people of Porto Rico, and recollect there are over a million of them, the right to have a mere voiceless Delegate on this floor, and to the beggarly method of the lobbyist in the other branch of this great Legislature.

If there is any measure in these closing days of this Congress that ought to be passed without a roll call, no matter what the minority may have determined in that regard, I submit to the members of this House that this is such a measure. A million people without any representation save such as the Porto Ricans now have was never heard of in the history of this country. It is un-American; it is ungenerous. If gentlemen here could but fully appreciate the position of a Delegate representing the people of a Territory on this floor and understand the position of a people represented in that way, there would be no hesitation in passing this bill by a rising vote.

I have but a moment of time, and therefore I desire at this time to thank the Members of this House sincerely for the courtesy they have extended to the Territorial Delegates in the great fight we have made for the rights of our people in this Congress. We have not spoken upon any subject that did not concern the Territories during the whole session, and considering that we have fought and lost, there may be something pathetic in my saying at this time a word for those people in Porto Rico who are in even a worse position than we are ourselves.

You have, however, done one thing for Porto Rico that you never did for the other Territories, and that is, you turned their own revenues into their own treasury for the purpose of their education; and in the course of ten years, with the large revenues derived in that way, all the rising generation there will have acquired the English language; then you will not, as has been done in some other cases, add insult to injury by unjustly charging them with ignorance and unfitted to share the blessings of this Union, brought about by your own neglect.

I say again that the granting to those people of the right of a Delegate to represent them on this floor is the very least privilege you can grant them. Remember there is on that island about a million of people—a much larger population than that of a good

many of the States. As has been well said by the gentleman from Texas, they gave up the representation they had in the Spanish Cortes to come under our flag. They expected much of this Government; they have received but little. Their disappointment must be great. This bill is but an act of simple justice to them, and it ought to pass without a dissenting vote.

[Here the hammer fell.]

Mr. RODEY. I hope the bill will pass unanimously, and without a roll call.

Mr. GROSVENOR. I rise to a question of privilege.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] has three minutes remaining.

Mr. COOPER of Wisconsin. I want to occupy only a minute at the end of the discussion; I am willing to yield the other two minutes.

Mr. GROSVENOR. I rose to a question of privilege. I desire to make a motion in behalf of the gentleman from Maryland, growing out of the ruling of the Chair against his right to continue his argument. I do not wish to interrupt the debate beyond stating the mere fact that I dislike that a member shall be excluded from the discussion pending the question now before the House. The member from Maryland was called to order for language used in debate. The gentleman from Maryland was called to order; and, under the ruling of the Chair, was very properly directed to take his seat, for the rules make it the duty of the Chair to make such order. Thereupon the member calling him to order did not proceed, as the rule provides, by asking that the language objected to be taken down and submitted to the action of the House. I now move that the gentleman from Maryland be allowed to proceed in order.

The SPEAKER. That is a proper motion. The gentleman from Ohio moves that the gentleman from Maryland may be allowed to proceed in order.

Mr. RICHARDSON of Tennessee. I want to say that I made the point of order—

The SPEAKER. The question is not debatable.

Mr. RICHARDSON of Tennessee. I want to say that I did not intend to prevent the gentleman from Maryland from proceeding in order.

The motion of Mr. GROSVENOR, that Mr. PEARRE be allowed to proceed in order, was agreed to.

Mr. PEARRE. Mr. Speaker, how much time have I?

The SPEAKER. How much time did the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Two minutes.

The SPEAKER. The gentleman from Maryland is recognized for two minutes.

Mr. PEARRE. Mr. Speaker, in the very short time allowed me, not having been permitted to consume the time originally granted me, I must hurry on. Whatever the details of this matter may be, the substantial fact is that there was a clash between the gentleman from New York and the police, and that that clash resulted in the trial of the officer, and his acquittal. Those, I believe, are substantially the facts.

Mr. FITZGERALD. He was convicted—

Mr. PEARRE. I can not yield, especially as the gentleman and his party show such a disposition to shut out any light that may be thrown on this subject.

Now, Mr. Speaker, if as great a man as President Grant was stopped on one occasion by a police officer in the city of Washington, and he commended the man for carrying out his orders, I can see, under like circumstances, no detriment or humiliation to the dignity of the Representative from the city of Brooklyn in yielding the same respectful regard to the proper authority of the police in Washington City as that great man saw fit to yield.

Mr. Speaker, when this matter comes up again we may have further time to discuss it. It should never have been brought up in this House, because Major Sylvester, the superintendent of police, has no opportunity here to defend himself. The proper place for an investigation—the proper place for the presentation of these charges—was before the Commissioners of the District of Columbia. It was not right that a gentleman, feeling himself aggrieved, should come in here, where the other man is not able to make a defense, and make charges, even to the extent of corruption, against one of the best chiefs of police in the United States—a man who by reason of his incorruptibility, by reason of his courage, by reason of his skill in detective matters and police work, has been selected by the National Police Association as its chief and president. [Applause.]

The SPEAKER. The gentleman from Wisconsin has one minute remaining.

Mr. COOPER of Wisconsin. Mr. Speaker, in view of the fact that no gentleman on the other side is opposed to this bill, and everyone on this side is in favor of it, I hope that it will be passed without a roll call.

The SPEAKER. The question is to suspend the rules and pass the bill which the Clerk has reported.

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 207, nays 0, answered "present" 16, not voting 128; as follows:

YEAS—207.

Acheson,	De Armond,	Knapp,	Rhea,
Alexander,	Dinsmore,	Kyle,	Richardson, Tenn.
Allen, Ky.	Dougherty,	Lacey,	Rixey,
Allen, Me.	Douglas,	Lamb,	Roberts,
Aplin,	Dovener,	Landis,	Robinson, Ind.
Babeock,	Draper,	Latimer,	Robinson, Nebr.
Barney,	Driscoll,	Lawrence,	Russell,
Bartlett,	Dwight,	Lessler,	Ryan,
Bates,	Eddy,	Lester,	Scott,
Beidler,	Esch,	Lever,	Shelden,
Bell,	Fitzgerald,	Lewis, Pa.	Sheppard,
Billmeyer,	Flanagan,	Littlefield,	Sims,
Bishop,	Fleming,	Livingston,	Slayden,
Blackburn,	Fletcher,	Lloyd,	Small,
Blakeney,	Flood,	Loud,	Smith, Ill.
Boreing,	Fordney,	Loud,	Smith, Ky.
Boutell,	Gaines, Tenn.	Loudenslager,	Smith, H. C.
Bowie,	Gaines, W. Va.	McAndrews,	Smith, S. W.
Brandegge,	Gardner, Mich.	McLachlan,	Smith, Wm. Alden
Breazeale,	Gardner, N. J.	McLain,	Snodgrass,
Brick,	Gibson,	Maddox,	Snook,
Brownell,	Gooch,	Mahon,	Southwick,
Brown,	Graff,	Mahoney,	Sperry,
Brundidge,	Graham,	Marshall,	Spight,
Bull,	Greene, Mass.	Martin,	Stark,
Burke, S. Dak.	Griffith,	Maynard,	Stevens, Minn.
Burkett,	Grosvenor,	Mickey,	Stewart, N. Y.
Burleigh,	Grow,	Miers, Ind.	Sulloway,
Burleson,	Hamilton,	Minor,	Sulzer,
Burton,	Hanbury,	Mondell,	Swann,
Butler,	Haskins,	Moody,	Swanson,
Calderhead,	Haugen,	Moon,	Tate,
Caldwell,	Hay,	Morgan,	Tawney,
Candler,	Henry, Conn.	Morris,	Taylor, Ohio
Capron,	Hepburn,	Moss,	Taylor, Ala.
Cassel,	Hildebrandt,	Mudd,	Thomas, N. C.
Cassingham,	Hitt,	Needham,	Thompson,
Clark,	Holliday,	Neville,	Tirrell,
Clayton,	Howard,	Nevin,	Trimble,
Coombs,	Hull,	Norton,	Underwood,
Cooper, Wis.	Irwin,	Olmsted,	Van Voorhis,
Corliss,	Jack,	Otjen,	Wagoner,
Cowherd,	Jackson, Md.	Overstreet,	Warner,
Creamer,	Jenkins,	Padgett,	Warnock,
Cromer,	Jones, Va.	Palmer,	Wiley,
Crumppacker,	Jones, Wash.	Parker,	Williams, Ill.
Currier,	Kahn,	Patterson, Pa.	Williams, Miss.
Cushman,	Kehoe,	Payne,	Woods,
Dalzell,	Kern,	Powers, Mass.	Wright,
Darragh,	Ketcham,	Randell, Tex.	Young,
Davey, La.	Kitchin, Wm. W.	Reeder,	Zenor.
Davidson,	Kluttz,	Reeves,	

NAYS—0.

ANSWERED "PRESENT"—16.

Adamson,	Foster, Vt.	Little,	Prince,
Burgess,	Gilbert,	Mann,	Shackelford,
Emerson,	Joy,	Miller,	Sherman,
Finley,	Lindsay,	Pierce,	Wanger.

NOT VOTING—128.

Adams,	Elliott,	Kleberg,	Scarborough,
Ball, Del.	Evans,	Knox,	Schirm,
Ball, Tex.	Feely,	Lassiter,	Selby,
Bankhead,	Foerderer,	Lewis, Ga.	Shaffroth,
Bartholdt,	Foss,	Littauer,	Shallenberger,
Bellamy,	Foster, Ill.	Lovering,	Shattuc,
Belmont,	Fowler,	McCall,	Showalter,
Benton,	Fox,	McCleary,	Sibley,
Bingham,	Gardner, Mass.	McClellan,	Skiles,
Bowersock,	Gill,	McCulloch,	Smith, Iowa
Brantley,	Gillet, N. Y.	McDermott,	Southard,
Bristow,	Gillett, Mass.	McRae,	Sparkman,
Broussard,	Glass,	Mercer,	Steele,
Brownlow,	Glenn,	Metcalf,	Stephens, Tex.
Burk, Pa.	Goldfogle,	Meyer, La.	Stewart, N. J.
Burnett,	Gordon,	Morrell,	Storm,
Cannon,	Green, Pa.	Mutchler,	Sutherland,
Cochran,	Griggs,	Naphen,	Talbert,
Connell,	Heatwole,	Newlands,	Thayer,
Conner,	Hedge,	Patterson, Tenn.	Thomas, Iowa
Conry,	Hemenway,	Pearre,	Tompkins, N. Y.
Cooney,	Henry, Miss.	Perkins,	Tompkins, Ohio
Cooper, Tex.	Henry, Tex.	Pou,	Vandiver,
Cousins,	Hill,	Powers, Me.	Vreeland,
Crowley,	Hooker,	Pugsley,	Wachter,
Curtis,	Hopkins,	Randsell, La.	Wadsworth,
Dahle,	Howell,	Reid,	Watson,
Davis, Fla.	Hughes,	Richardson, Ala.	Weeks,
Dayton,	Jackson, Kans.	Robb,	Wheeler,
Deemer,	Jett,	Robertson, La.	White,
Dick,	Johnson,	Rucker,	Wilson,
Edwards,	Kitchin, Claude	Ruppert,	

So the rules were suspended and the bill was passed. The Clerk announced the following additional pairs:

Until further notice:

Mr. McCLEARY with Mr. BENTON.

Mr. FOERDERER with Mr. ROBERTSON of Louisiana.

Mr. BROWNLOW with Mr. PIERCE.

Mr. THOMAS of Iowa with Mr. SLAYDEN.

Mr. EMERSON with Mr. GILBERT.

Mr. DEEMER with Mr. MUTCHLER.

Mr. WANGER with Mr. ADAMSON.

Mr. MANN with Mr. JETT.

For the vote:

Mr. WEEKS with Mr. GOLDFOGLE.

Mr. WATSON with Mr. LEWIS of Georgia.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its Reading Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

HOMESTEAD SETTLERS IN ALABAMA.

Mr. WILEY. Mr. Speaker, I move that the rules be suspended and that the bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama be passed as amended by the committee, which amendment is in the form of a substitute.

The SPEAKER. The gentleman from Alabama moves that the rules be suspended and that the following bill be passed with the committee amendments by way of a substitute. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama.

Be it enacted, etc., That whenever any person, association, or corporation that has recovered, in any court of competent jurisdiction, the title to any land which is included in any homestead entry made on lands granted by the Congress of the United States to the State of Alabama to aid in the construction of the Mobile and Girard Railroad, or the Tennessee and Coosa Railroad, which recovery of said land was made or had by virtue of the title asserted and claimed by either of said railroad companies or its vendee, or successor in interest, shall execute a deed conveying all his or their interest in, or claim to, the land included in such homestead entry to the United States, and file the same with the Secretary of the Interior, such person, association, or corporation shall be entitled to receive from the Secretary of the Interior a certificate authorizing them or their assigns to enter, within one year from the issuance of such certificate, of the public lands of the United States in the State of Alabama, subject to homestead entry, an area equal to that contained in the tract so deeded and relinquished, and all certificates which have not been presented as a basis for the entry of a specific tract within one year of their issuance, as above, shall be void, and each and every certificate issued shall have plainly printed across the face thereof the date of its expiration.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary rules and regulations for the administration of this act.

Mr. MONDELL. Mr. Speaker, I demand a second.

Mr. WILEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. DE ARMOND. I object.

The SPEAKER pro tempore. The gentleman from Missouri objects. The gentleman from Alabama [Mr. WILEY] and the gentleman from Wyoming [Mr. MONDELL] will take their place as tellers.

The House divided; and the tellers reported—ayes 78, noes 0.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Alabama is recognized in favor of the bill.

Mr. WILEY. Mr. Speaker, the bill under consideration is an amendment, by way of substitute, for H. R. 15802, which I had the honor to introduce in the House on the 9th day of last December.

The lands involved in the bill under consideration form a part of a body of lands in alternate sections granted to the State of Alabama by an act of Congress to aid in the construction of railroads in that State, approved June 3, 1856. The two railroad companies mentioned in the bill were duly incorporated under the laws of the State of Alabama. The Tennessee and Coosa Railroad was partly finished and in operation prior to the month of September, 1890. Prior to January 1, 1890, the Mobile and Girard Railroad Company had completed a line of road from Girard to Troy, a distance of 84 miles. Up to that time the United States had not then taken any action to forfeit said land grant or to resume title to any of the public domain included therein.

The general assembly of Alabama passed an act, approved February 1, 1858, in pursuance of said act of Congress, accepting said grant in strict compliance with the terms and conditions prescribed therein. The lands in controversy (about 18,000 acres) are opposite to and coterminous with those parts of the railroad companies named in the bill, which were completed and in operation prior to the 29th day of September, 1890, the date of the act passed by Congress known as the "forfeiture act," reclaiming and reinvesting in the Federal Government title to all the lands embraced in the original grant beyond the limit of railway con-

struction, but expressly confirming title in the railroads, or their vendees, to such alternate sections as were contiguous to those portions of the roads which were completed and in operation at the time of the passage of said "forfeiture act." Both of these railroad companies had, prior to September 29, 1890, sold to various persons all, or nearly all, of the lands granted to them by said act of Congress; so that for the purpose of properly considering the provisions of the pending measure we may safely assume that the railroads as corporations have been eliminated, and the problem now presented for solution is a question of law and equity between the vendees of the railroads on the one hand, and bona fide settlers on the other hand, who were encouraged to locate their homesteads on these reserved lands under a mistaken construction of said "forfeiture act."

This is the issue between the parties, clean cut and well defined.

This brief statement of the law and the facts is deemed necessary to a proper understanding of the merits of the pending bill.

The measure we are now considering grows out of a difference of interpretation which was put upon this "forfeiture act" of Congress by the Interior Department and the courts, both State and Federal. The Interior Department threw the door wide open and erroneously allowed about 18,000 acres of these reserved railroad lands, commonly designated as "earned lands," to be subjected to homestead entries, substantially an equal quantity belonging to each of these railroads or their vendees, and situate for the most part in the second, third, and seventh districts of the State.

These settlements were made in good faith, the settlers themselves paying the customary fees and charges incident to such entries and making final proof as required by the statute, and thereupon patents bearing the red seal of the Government, in many instances, were regularly issued to them. These confiding men and women, who had acted in good faith upon the invitation of the Commissioner of the General Land Office at Washington, and were encouraged in this alluring manner to buy their homes, believing they each held the best possible title from the greatest Government in the world, did not hesitate to make valuable and permanent improvements on the lands which they had thus entered. These homes thus acquired are the summum bonum of their earthly possessions—their domiciles, their castles—humble shelters for their wives and children; domestic hearthstones around which cluster the sweetest and tenderest memories of life.

Having located on what was advertised to be unappropriated and unreserved portions of the public domain, these "sons of toil," all unconscious of the black cloud of disaster slowly gathering in the skies, and which subsequently burst in fury upon their unprotected heads, went to work felling forests, building houses, cultivating fields, laboring to better their fortunes and to bring back the "olden and golden" prosperity which ought to abide in valley and on hillside, in the pure air of rustic life, and under the stimulus of rural industry. But misfortune, unexpected and therefore unprovided for, overtook and overwhelmed these peaceful and contented, these honest and unsuspecting settlers. The trouble came about in this way:

The vendees of the railroad companies, having secured a perfect title to these same lands by said "forfeiture act," were not content, of course, to give up their property without a struggle. To have surrendered their just claims under the circumstances would have been contrary to human nature. When you put your fingers upon a man's pocketbook you generally touch his patriotism. With clashing interests came jarring opinions, and as a result these purchasers from the railroad companies instituted certain actions of ejectment in both State and Federal courts and prosecuted these suits to a successful termination. They were victorious; and as a consequence some of these homesteaders, my constituents, have already been evicted from their homes, while the sheriff holds in hand writs of possession in other cases, ready to oust these worthy and unoffending citizens in the event this meritorious bill fails to be enacted into a law during the few remaining days of an expiring Congress.

These legal writs or mandates are suspended temporarily—held in abeyance, awaiting the outcome of this legislation. They are hanging like the "sword of Damocles" over defenseless heads of these settlers, whose entire fortunes are dependent upon the fate of this bill. After much labor and difficulty on my part I have succeeded in inducing the vendees of the Mobile and Girard Railroad lands (who live in my district) to consent—reluctantly to consent—to let these homesteaders alone; not to disturb them, but to take other lands of the same character and quality—the same acreage, but not the same quality—subject to homestead entry and being situate within the limits of the State of Alabama, in lieu of and as a substitute for the land so purchased, occupied, and improved by these settlers. I am advised that the vendees of the Tennessee and Coosa Railroad Company are likewise willing to do the same thing. This is manifestly a liberal proposition on their part. Of course, it is not compulsory, but, prompted by a feeling

of justice and fairness, I feel sure that if this bill becomes a law an amicable and equitable adjustment will be made speedily of this perplexing condition of affairs which now confronts so many of the unfortunate constituents of my colleagues [Messrs. CLAYTON and BURNETT] and myself, who are themselves in no sense to blame, who are innocent of any wrongdoing, and who constitute the best citizenship of our State.

As to the lands of the Tennessee and Coosa Railroad Company, which this bill as amended is also intended to cover, the Supreme Court of the United States, in a case reported in 176 United States Reports, page 242, held that these lands, which were coterminous with that part of the road completed at the date of the passage of the act, were not forfeited; that by the original act of June 3, 1856, the title to these lands passed in present; that the conditions expressed in them were conditions subsequent and not precedent, and that a forfeiture could only be worked by direct legislative action or judicial proceeding.

As to the lands of the Mobile and Girard Railroad Company embraced in the bill, the supreme court of Alabama, in the case of the Van Kirk Land and Construction Company v. Green, following the decision of the United States Supreme Court, supra, held the fact that said railroad company was not completed within the time prescribed in the grant did not of itself operate to forfeit the title to said lands nor to deprive it of the right to dispose of the same; that by the provisions of the "forfeiture act" of 1890 lands included within the provisions of the original grant and opposite to that part of the railroad then constructed and in operation were excluded from the forfeiture, and by the express terms of said act whatever of right, title, or interest there was in the United States Government was confirmed to the railroad company or its vendees; that the land in controversy, being opposite to that portion of the railroad constructed and in operation at the date of said forfeiture act, the title to the same remained in the original grantee under said act, or if it has been previously conveyed, then in such vendee, and could not be divested by the conduct of the Land Commissioner of the General Land Office in leaving it out of the allotment made by him, as such Commissioner, under the provisions of said "forfeiture act;" nor could the courts be concluded by his construction of that act; that by the provisions of said act the title to the lands lying opposite to that part of the road constructed and in operation at the time the act was passed having been confirmed to the grantee or his vendee, said lands were thereby withdrawn from the public domain, and could not, therefore, rightfully be opened to homestead entry.

The able report of the Committee on Public Lands so clearly explains the status of this difficult and embarrassing land problem, I ask that the same be read. This bill alone can untangle the complication.

The vendees of the Tennessee and Coosa and the Mobile and Girard railroads, in the State of Alabama, have recovered in the courts of that State and in the courts of the United States lands which were or are in the actual possession of settlers holding them as homesteads. These lands were granted by Congress to the State of Alabama to aid in the construction of said railroads, which were completed and in operation on September 29, 1890, the date of the passage of the forfeiture act. The lands were opened by the Secretary of the Interior to homestead entry after the passage of said act of September 29, 1890; but the courts have decided that they were not forfeited by that act and that they were the property of these railroad companies or their vendees.

It is clear that the settlers should not lose their homes, and it is no less evident that the purchasers of the lands from these railroad companies should have the property which the courts have decided belong to them. The purpose of the bill is to permit the vendees of the railroads to take lands in lieu of those recovered by them in the courts, in order to insure to the homestead settlers the title to their homes, and the committee is in sympathy with that purpose; but as the bill contained several objectionable features, the committee have recommended a substitute therefor.

The substitute limits the location of the certificates to be issued to lands in Alabama and provides that they must be located within one year from their issuance. It is believed that the measure will satisfactorily adjust an unfortunate condition, for which neither class of the claimants are responsible.

But, briefly to reiterate:

There are two classes of homestead settlers in the Second Alabama district, which I have the honor to represent in this Chamber, who are especially interested in this legislation.

The first class are those above referred to, who, under the erroneous interpretation which was put upon the "forfeiture act" by the Interior Department, entered certain lands contiguous to that part of the Mobile and Girard Railroad which had been constructed and was in operation as far as the city of Troy, prior to or at the time of the passage of said act, amounting to about 9,000 acres. I repeat, the "forfeiture act" confirmed title to the railroad company, or its vendees, in and to these 9,000 acres, commonly known as "earned lands."

The Secretary of the Interior having authorized these lands to be opened to homestead settlements, many of my constituents in good faith made entries, paid the fees and charges exacted by the Government as incident thereto, obtained patents therefor in the usual manner, and placed valuable and permanent improvements thereon. The supreme court of Alabama, as above stated, in the

case of Van Kirk Land and Construction Company v. Green, on appeal from the circuit court of Pike County, held that the purchasers from the railroad company, so far as these "earned lands" are concerned, had a better title than the settlers ever acquired; that their entries were illegal; and accordingly, writs of possession have already been issued and are in the hands of a State sheriff ready for execution, and unless I can obtain at the present short session of Congress this needed measure of relief, the result will be to turn them out of their homes, entailing upon them, in addition to the money they were forced to expend in purchasing their homesteads, the loss as well of the improvements they have erected thereon.

The second class are persons who located their homesteads upon lands beyond the limit of the constructed road southwest of Troy, acting likewise under an invitation from the Interior Department, and who in good faith paid their entrance money and put valuable improvements on their homes. Messrs. Ewing, Bishop, and others, in whom title to certain of these lands had also been confirmed by the terms of the "forfeiture act," instituted contests in the land office at Montgomery against these settlers, and, on appeal to the Interior Department in Washington, a decision was rendered against them.

It is believed that the pending bill is broad enough in its provisions to embrace and protect this second class of settlers.

There can be no doubt that this measure of relief ought to pass. The Government having sold to its own citizens, for homestead purposes, lands to which it had no title, and received from them the purchase price therefor, is now bound by the plainest principles of common honesty to do one of three things:

First. Refund to the settlers the money received from them, together with the value of their improvements; or

Second. Give them in lieu of their lost homesteads other lands of the same quality, quantity, and value; or

Third. Pass this bill, which enables the vendees of the railroad companies to enter and take other lands as a substitute for those occupied by these settlers, and thereby make an equitable adjustment, in the language of the committee's report, of "an unfortunate condition, for which neither class of the claimants are responsible."

Mr. Speaker, the helpless but deserving constituents whom I represent here, whether they come within either the one or the other of these classes, are not responsible for the condition which now exists arising from an honest difference of construction placed upon the terms of the "forfeiture act" by the Interior Department and the legal tribunals of the country. The law is against the settlers, but equity, which is supposed to supply the deficiencies of the law, is on their side. Of course, every lawyer knows that a law court looks at legal questions only and not to the equity of a particular case.

In actions of ejectment the question is purely one of legal title, and the doctrine of equitable estoppel can have no application. It is, therefore, a well-settled proposition that an equitable estoppel can not be set up against the legal title in such an action. Equity jurisprudence in this country grew out of this inadequacy of common-law forms to secure justice in particular instances. Common-law tribunals can not afford the relief herein prayed for; and these settlers, therefore, are remediless without the intervention of Congress, which is omnipotent, which ought to represent the genius of justice and the spirit of equity in such cases, and which, I am glad to say, has never failed in a proper cause to lend a helping hand under the peculiar facts disclosed in the pending bill.

There are many precedents for legislation of this character. Similar relief has been granted, under similar circumstances, to settlers who located upon railroad lands in several of the Western States, and, I submit, a more auspicious occasion has never happened. A better case was never presented, for the beneficent exercise of equity and good conscience than this measure has now brought under your consideration.

The history of a nation is in the memory of her sons. Her palladium is in their hearts. The industrial classes, the world over, have proven the safest and most conservative element of human population. They are patriotic, liberty-loving, and law-abiding. They not only fight the battles of their country in war, but serve her faithfully in peace. In every relation of life they are true. All honor to such men!

Congress, pursuing a wise and liberal policy toward that comprehensive group or class whom we delight to characterize as our splendid yeomanry—"the common masses of the common people"—passed an act on the 20th day of May, 1862, "to secure homesteads to actual settlers on the public domain." At that time a terrific internecine strife was being waged everywhere between the two great sections of the Union. Ruthless and un pitying war, with all the devastations that follow in its wake, had swept with relentless fury over our fair and fruitful fields.

Our sunny skies were red with the flames of burning towns and

black with the smoke of ancestral homes. At such an hour in the history of the Republic this beneficial law was enacted in order to furnish poor but deserving men an opportunity to buy humble homes—to give them a roof-tree, to provide each of them an abiding place, and to fasten to it the inspiring ideal of a common country in which the people rule and from whom all legislative and political power is derived. In short, to make them the foundation stone upon which the whole superstructure of this magnificent Government is reared—the prop and support, the stay and hope for the preservation of civil liberty and the law of the land.

"Home, Sweet Home," is the sweetest song that ever was heard. It strikes the harp of the soul and draws out the tenderest pulsations from the heart of love in all lands and under every sky.

Mid pleasures and palaces though we may roam,
Be it ever so humble there is no place like home.

There is something irresistibly attractive in the word "home"—a refuge from the ills of life; a place of peace; a shelter from doubt; a temple of love, watched over by household gods, upon whose altars burn the incense of heaven. "Home is not four square walls, though hung with pictures and gilded." However humble, it is a shrine of our affections, a school of our hearts. Around that hallowed spot in after years old remembrances love to cluster all along our earthly pilgrimage. In our pathway through life they encircle us like an Eastern spell, and are potential in developing the moral character and in completing the perfect man.

Our American homes are the nurseries of patriotism and the civic virtues. While this Republic is advancing in the arts and sciences, in letters and learning, in wealth and culture, in navigation and commerce, and in all that relates to the civilization of the human race, the lessons of civil and religious liberty are taught in the home circle. From the sacred precincts of the household must emanate that lofty spirit of devotion and self-sacrifice which looks to the elevation of the individual man in his moral, mental, and social character, leading the long train of all other improvements, and which contribute to the making of a nation and its people truly good and great.

These lessons, taught at the mother's knee, bowing before the family shrine, give a wide scope to sentiments of the broadest and purest catholicism. They appeal to everyone in whose breast shall arise an aspiration for human rights as well as an admiration for high moral and intellectual qualities, consecrated to duty and steadily and triumphantly devoted to the accomplishment of glorious deeds—to the attainment of noblest aims.

The home life, beautiful with flowers and music and sunshine scattered around it to enliven its gloom, its portals wreathed with blossoming jasmines and the "red fruited woodbine"—an Eden of brightness and gladness—is the ideal life on this earthly sphere, the true life, which brings peace, happiness, and contentment.

The poet has elaborated this sentiment in these exquisite lines:

Make home a hive, where all beautiful feelings
Cluster like bees and their honey dew bring;
Make it a temple of holy revelations
And love its bright angel with shadowed wing:
Then shall it be, when afar on life's billow,
Wherever your tempest-tossed children are flung,
They will long for the shade of the home-weeping willow,
And sing the sweet songs their mothers have sung.

Mr. Speaker, and gentlemen of the House of Representatives, you all, or most of you, have elegant residences, palatial homes. My faltering tongue can not describe them. Enjoy them to your heart's delight. My unhappy constituents, who are threatened with distress warrants, do not envy you. They are very reasonable. They only want to retain the humble cottages they built upon lands which they bought from the United States Government. Save them, I beg you. Rally to their defense, come to their rescue and deliver them from the perils which overhang them.

I yield five minutes to the gentleman from Iowa [Mr. LACEY]. Mr. LACEY. Mr. Speaker, this highly meritorious bill in behalf of the deserving homesteaders in Alabama is now very narrowly escaping defeat. There are perhaps 25 and maybe 50 bills of equal merit that will go down for lack of time under the demand for roll calls; many of those bills represented by gentlemen on the other side of the Chamber, and whose bills are thus being defeated by this filibuster.

Let me call attention also to the further fact that for the last two months or six weeks bills of such a character, instead of going through by unanimous consent, as they do in the usual course of business in the House, have been held up by objections to unanimous consent, made by a member on the Democratic side of the Chamber, Mr. MOON, so that the other side of the House, first having prevented for two months the passage of unobjectionable bills like this, bills of as much merit as this, after tying them up for two months, and now finding the House Calendar

blocked with them, are preventing their passage by dilatory roll calls. I am glad to know that the gentleman from Alabama [Mr. WILEY] has succeeded in saving one of them out of the wreck; but there is an abundance that will go down into the tomb on the adjournment of this House on the 4th day of March. And my Democratic friends who have thus been slaughtering their own offspring, who, like Saturn, have been eating their own children, find themselves in a position of having plenty to explain to their constituents when they go home. [Applause on the Republican side.]

Mr. DALZELL. Why do you say that the gentleman from Alabama has saved this bill?

Mr. LACEY. Because it is a good bill, and there are going to be enough Republicans who will vote for this bill to save it.

Mr. DALZELL. I hope not.

Mr. LACEY. I hope there will be.

Mr. PAYNE. If this motion should be voted down, the bill would still be on the Calendar and might be reached by unanimous consent?

Mr. DALZELL. Certainly.

Mr. PAYNE. If that side of the House should stop it by their unseemly behavior?

Mr. LACEY. Just a word further.

Mr. SCHIRM. I would like to ask the gentleman a question. The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Maryland?

Mr. LACEY. I yield for a question.

Mr. SCHIRM. I would like to know why this bill, that benefits Alabama, should take precedence over all other bills on the Speaker's desk, when the obstruction in this House has been led by a gentleman from Alabama?

Mr. LACEY. I speak not for the obstructionists of Alabama, but for the poor settlers of Alabama, whose rights I hope this side of the House will respect, notwithstanding the utter disregard that has been shown to their rights and to their claims by the other side of this Chamber.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to use any more time?

Mr. WILEY. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. WILEY. I reserve the remainder of my time.

Mr. MONDELL. Mr. Speaker, I stand ready to recognize any gentleman who desires to speak in opposition to this bill, as I consider it my duty to do so, being in control of the time on this side and being myself heartily in favor of the measure. [After a pause.] As no one seems desirous of being heard in opposition to the bill, and as the gentleman from Alabama has very clearly and eloquently stated its provisions and purposes, I will consume but a moment in a brief statement relative thereto and then pass on to other matters affecting generally settlers and settlements on the public domain.

Briefly, the facts with regard to the bill before us are as follows: Years ago Congress made a grant of lands in aid of the construction of certain railways in Alabama. In 1890 an act was passed forfeiting all these grants not contiguous to completed portions of the roads. By reason of a misunderstanding as to the point to which construction had been carried the General Land Office opened to homestead settlement not only the unearned lands, but some lands contiguous to completed portions of the roads, and upon these lands settlements and entries were made.

After the land had been opened to settlement, and in some cases after Government patents and final certificates had been issued, the railway companies and their grantees brought suit against the settlers, and the courts held that the title rested in the railroads and their grantees, and in some instances writs of ejectment have already been issued and the settlers are liable at any time to lose their lands. In this condition of affairs those claiming from the railroad companies have agreed to the provisions of this bill whereby on relinquishing all their right or title to the lands claimed by the settlers they are to receive an equal area of other public lands in Alabama. The measure is exceedingly meritorious, and if we do not pass it at this time there is danger of a considerable number of settlers losing their farms and homes, through no fault of theirs, but apparently through a blunder of the General Land Office in opening to entry lands which had been granted to the railroads.

Now, I know that some of the gentlemen on this side, very properly incensed at the filibustering tactics of the minority, who are virtually holding the House up and preventing the passage of much meritorious legislation, feel inclined to vote against suspending the rules for the passage of this bill because they do not think that the minority, which is blocking legislation, should be allowed to get its measures through, when members on this side having equally meritorious measures are not granted that privilege. But, gentlemen, we may well leave with the Democratic

minority the monopoly of an exhibition of temper and of the responsibility for obstructing necessary legislation. This meritorious measure is before us and I hope it will receive the necessary two-thirds vote.

The discussion of this subject, affecting as it does settlers upon public lands, leads naturally to a general discussion of the situation as regards the public lands of the nation and settlements thereon and I wish to present to the House some views on the general subject of the land laws, and particularly in opposition to a certain agitation for the repeal of some of them.

AGAINST THE REPEAL OF THE LAND LAWS.

Uncle Sam began business as a real estate dealer over one hundred and twenty-five years ago, and during that time has conducted a large and constantly growing business in that line, having disposed of, under the various public-land laws up to the beginning of the present fiscal year, 764,422,726 acres, or a little more than a third of the entire area of our continental possessions exclusive of Alaska.

AREA OF PUBLIC LANDS SUBJECT TO ENTRY.

In spite of Uncle Sam's large real estate transactions, however, he is still the owner of a vast acreage, an acreage in fact but a trifle less than that disposed of in the last hundred and twenty-five years exclusive of railroad land grants, and there is no immediate danger of his becoming short in the real estate market or of going out of business as a purveyor of lands, for he has today in round numbers 525,000,000 acres which he offers for sale and settlement under the various land laws, or an area equal to that of all of the thirteen original States of the Union and the great States of Kentucky, Vermont, Tennessee, Maine, West Virginia, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, Michigan, Wisconsin, and Iowa, a very goodly tract, by the way, and calculated to keep Uncle Sam in the land business for some time, even under laws which encourage reasonably rapid disposition.

AREA OF RESERVED LANDS.

In addition to the public lands subject to entry Uncle Sam has reserved as forest reserves something over 60,000,000 acres, or an area equal to the great States of New York and Pennsylvania, with Delaware thrown in for good measure. As all know who are conversant with the conditions, some of this reserved area is well adapted to settlement and has now a large population. The greater portion of it is of value for grazing purposes. In fact, considerable areas are of much more value for such purposes than for the purposes contemplated by the law under which forest reserves are created.

Then there are about 60,000,000 acres, outside of the Indian Territory, reserved for various purposes, largely for Indian reservations, from which, as tribal relations are broken up and lands are granted in severalty to the Indians, we will open to settlement and entry an area at least as large as the great State of Missouri, and still leave the Indians more lands than they can ever make good use of.

From this brief review of our real estate situation it will be seen that the pioneer and home builder still have a very considerable territory in which to establish themselves within our contiguous continental territory, and beyond this, we have the limitless area of Alaska, and if a fifth part of the surface of that great Territory can be utilized for farming and stock growing, and I have no doubt but what a much larger portion than that can be so utilized profitably, we have there, on that basis, an area on which settlers can build their homes and establish their farms, as large as Michigan and Wisconsin.

THE AGITATION FOR REPEAL.

I am led to this review of the public-land situation by the agitation which has been carried on in certain quarters for a repeal of certain laws under which title to our public lands are obtained. This agitation has for its purpose the repeal of the commutation clause of the homestead laws, the timber and stone act, and the desert-land law, and the repeal of these laws is urged, as I understand it, on the ground, first, that public lands are passing too rapidly into the hands of private owners, and at the present rate we shall not have, it is stated, any public lands left for "future generations;" second, for the alleged reason that the spirit and intent of some of these laws is being violated, and that this violation can only be cured by repeal; third, that so far as the timber and stone act is concerned the Government should cease to dispose of its timber lands and establish a Government monopoly in timber and timber products.

Before entering upon a discussion as to how much truth there may be in the rather startling allegations of public land frauds which have been made in support of arguments for repeal, and the wisdom of discouraging the acquisition by individuals of the public lands, and of the proposed establishment of a gigantic Government forest monopoly, it will be well, perhaps, briefly to examine the facts as to the entry and disposition of the public lands

in the recent past, particularly in the past year, and to recall for a moment the causes which underlie an increased or unusual demand for public lands.

DEMAND FOR LAND AN INDEX TO PROSPERITY.

So far as agricultural and grazing lands are concerned, the demand for such lands is the best possible index and barometer of national business conditions. Given a statement of the varying rate of disposition of the public lands throughout a decade or a century, and in it you will read with remarkable accuracy the story of the growth in population, and particularly of the rise and fall in the prices of the products of agriculture and husbandry. Increased population, other conditions being favorable, means an increased demand for public lands inevitably. An increase in the price of wheat, corn, and live-stock encourages the undertaking and development of these industries in territory and regions where under low prices they would be unprofitable.

We have been enjoying a remarkable degree of prosperity for a number of years past; we have seen the highest prices paid for live stock known in our history, and naturally we have witnessed an increasing demand for public lands, even in those regions of semiaridity where the growth of crops is questionable, in the older public-land States, where there was nothing left but the culling of generations, and in the arid regions, where the great cost of reclamation discouraged or the sparse product of irremediable grazing lands gave no encouragement to private ownership under the unfavorable conditions of former years. The increase in area of original entries and filings from 10,000,000 acres in 1894 to 19,000,000 in 1902 measures the increase in population and even more the enhanced value of agricultural products, as the decrease in area of original entries from thirteen and one-half millions in 1892 to eight and one-third millions in 1895 marked the decline in prosperity and in the prices of agricultural products during that period.

AREA DISPOSED OF NOT AS GREAT AS HAS BEEN SUPPOSED.

As a matter of fact, however, the great seeming increase in the disposal of public lands, as indicated by original filings and entries in the past two years, has been more apparent than real, for while the original entries for the fiscal year 1901 aggregated, in round numbers, 15½ million acres, and in 1902, 19½ millions, the final disposition of public lands for those two years, or the amount which the Government actually parted title with during those years, was in 1901 but 6½ million acres, and in 1902, 6 millions, and of the increase of nearly 4 million acres in area of original entries in 1902 above 1901 over 2½ millions were of lands in Oklahoma, which was purchased from the Indians and opened to settlement, leaving only 1½ millions of increase over the previous year, most of which occurred in three States, under all laws.

I do not cite these figures because I feel it necessary to reassure anyone who understands that the growth and development of the public-land States only comes with the passing of the public lands into private ownership, but to point out that the increase in the original entries of the public lands has only been such as a normal growth in population and increased returns from the products of the soil would naturally bring about, and for the comfort of those who are fearful that the public lands will all soon be exhausted—and that the apparent large and actual moderate increase in the amount of lands passing into private ownership necessarily implies unwise laws and lax administration.

PROPOSED REPEAL OF COMMUTATION PRIVILEGE.

The law which the repealers seem most insistent upon having taken from the statute books is that portion of the homestead law which has been part of it since its enactment, and which allows the homesteader, after fourteen months' residence and cultivation, to pay the Government \$1.25 an acre, or \$200 for his 160 acres, and obtain a patent for the same. The repeal of this law is demanded, as I understand it, on the theory or allegation that bona fide homestead entrymen do not commute their land, but that the commutation law is taken advantage of only by those who are desirous of obtaining public lands in considerable areas and for other purposes than actual cultivation of and residence upon each 160 acres, and the increased acreage taken under the homestead law in the past two years is cited as alleged proof of this contention.

The history of the homestead law as it operated in Minnesota, Kansas, and other States in the humid regions is a clear refutation of the claim that commutation necessarily leads to speculation, or to the acquisition of lands in large areas; nor need those timid and fearful souls who look upon every entryman of the public lands as a land-grabber and a criminal, and who are fearful lest the public domain shall not be reserved for "future generations," be particularly agitated over either the homestead entries or the commutations of the same in the past two years. As a matter of fact, the area of final homestead entries for 1902, amounting to 4,342,747.70 acres, is nearly a million acres less than the final entries in 1901, and less than 300,000 acres more than the final entries away back in 1890.

AS TO HOMESTEAD ENTRIES.

The increase in the number of original homestead entries in 1902 is due almost entirely to the vast area of former Indian lands entered in Oklahoma, amounting to nearly 4½ million acres, the vast acreage taken up in North Dakota, amounting to nearly 2½ millions, and the over 1 million acres entered in Washington. These two States and one Territory contributed nearly 8 millions to the aggregate of 14 millions of original homestead entries during the year 1902, and I have not heard any suggestion, or at least no serious attempt has been made to prove that the entries in these States and this Territory were not generally made in good faith.

There can be no doubt but what the number of original homestead entries made during the last two fiscal years was somewhat increased by entries made in view of the decision of a former Secretary of the Interior in the now famous Ella Dickey case. Back in 1896 two gallant old soldiers, one of the Union and the other of the Confederacy, engaged in a friendly rivalry in attempting to save the widow of an ex-Union soldier her homestead, with the result that they agreed upon a decision to the effect that the widow of a soldier need not reside upon her homestead. This remarkable decision seemed to have escaped general notice until about two years ago, when entries began to be made with a view of taking advantage of the interpretation of the law therein contained. While the Department, I understand, now holds that the decision was illegal and improper, it seems hardly fair to officially condemn those who were following departmental decisions. These entries, however, were manifestly not made with any thought of commuting, for it would be the height of folly to commute, could a title be acquired in five years without residence.

During the year 1902 4,342,747 acres were finally certified to homesteaders under the residence provisions of the law, while the area commuted under section 2301 of the Revised Statutes only amounted to 953,525 acres, and under all commutation provisions approximately 1,100,000 acres, so that practically only one homestead entry in five was commuted, and at the same rate of commutation, if all the remaining public lands were so disposed of, it would take over five hundred years for the commuter, who seems to trouble the dreams of the repealer, to "gobble up" the public domain.

COMMUTATION PRIVILEGE WISE.

As a matter of fact, the commutation feature of the homestead law is one of its wisest provisions. The settler who goes upon the public lands where conditions of soil and climate make it possible for him to support himself and family has little disposition to pay the Government \$200 or \$400, as the case may be, for a title to his 160 acres of land in advance of five years' residence. If he does so, it will be because, being without funds for the erection of buildings, or purchase of livestock, or implements, he can better afford to pay for his land, obtain a title to it, and use it as a basis of credit, than to wait five years for a patent, or because of death in his family, sickness, or other calamity it becomes necessary for him to leave his land, temporarily or permanently, before the lapse of the five-year period; under which conditions, but for the commutation clause, he would be in danger of losing his land, his labor, and improvements.

As the lands within the "rain belt" and of known fertility have become exhausted, the land seeker has been tempted into less inviting regions, in the hope that a changing of climatic conditions or better understanding of the methods of cultivation suited to the conditions would wring productiveness from the semiarid or sterile soil. Every entry made under these conditions is a challenge to the fates, the entryman staking his homestead right, his desire for a home, and his labor against the perils of the enterprise, and in thousands upon thousands of cases he has been compelled at last to strike his colors and surrender to adverse conditions or sue for a truce after years of toil and privation, though in countless other cases industry and tenacity have finally won the victory.

It is largely under such conditions, more or less modified, more or less aggravated in form, that the homesteader locates upon what remains of the public land, and the commutation clause invites his effort, because it holds out the hope to him that if he is temporarily compelled by adverse conditions to leave his land or take his family from it and utilize it to the best possible advantage in other ways than by cultivation he can obtain a title, and thus not lose all of the time and effort he has expended. No one who understands conditions in public-land States doubts that settlement will be retarded and development delayed by the repeal of the commutation clause of the homestead law.

DESERT-LAND ACT.

Some of the repealers are particularly insistent upon the repeal of the desert-land act, and, strange as it may seem, some who style themselves "irrigationists," and who claim to be the friends of irrigation development, are most clamorous for the repeal of the

only law upon the statute books of the nation which provides for and compels irrigation by private enterprise. The most exaggerated statements have been made as to the working and effect of this law, and the most reckless misstatements have been uttered as to its results. Speaking of this law, Senator WARREN, of Wyoming, recently made this clear and truthful statement:

Under this act more arid lands have been reclaimed, more barren wastes have been converted into growing fields of hay and grain, and more unproductive land has been made permanently productive than under any other law applicable to the Western country. * * * No other law properly administered reduces to so much of a minimum the opportunity for abuse and prevarication. Everywhere over the Western country the arid wastes are spotted by beautiful fields of growing grain and alfalfa, which testify beyond the possibilities of contradiction to the splendid and material results legitimately accomplished under this law.

Let us see how much danger there is that all the remaining public lands shall be "grabbed," as the repealers style it, under this law which compels the entryman who goes upon a barren waste to reclaim and irrigate it and pay the Government \$1.25 an acre, or \$2.50 an acre within railroad limits, before he can secure a title. In the fiscal year 1901 the original desert-land entries covered 686,382 acres, and the final desert-land entries 152,160 acres, indicating that about one entryman in five was able to comply with the rigid requirements of the law and obtain a title to his land. In 1902 the original desert entries amounted to 929,230 acres, and the final desert entries amounted to 210,742 acres, or approximately but one entry finally secured to the entryman for every six entries made, the balance representing the attempts made at reclamation where the conditions were so adverse that the entryman was unable, within the four years allotted him under the law, to reclaim his land sufficiently to obtain a title, and thus the title to from four-fifths to five-sixths of the land filed upon remained in the Government, though the filing fee of 25 cents per acre had in each case been paid.

A LAW THAT COMPELS RECLAMATION.

As was well said by Senator WARREN in the interview referred to, "none of the land laws is surrounded by so many safeguards as this," and that is particularly true as regards entries made in States having the best irrigation laws, for in the administration of the desert-land law the General Land Office necessarily recognizes local laws and customs regarding the appropriation and use of water in administering the same, and it is a significant fact that those who have been the most hostile to the growing tendency and disposition in the arid States to the betterment of laws relating to the use of water in irrigation have been most vehement in their clamor for the repeal of this law, cloaking their assaults upon it under a thin guise of professed friendliness to the reclamation of the West.

Nothing is more essential to the best administration of the desert-land law than perfection of State water legislation, the necessity for which was forcibly stated by President Roosevelt in his first message to the Fifty-seventh Congress, which will make it impossible for the entryman to set up a claim to the possession of a water right for the irrigation of his tract which he does not in fact possess. In States like Colorado, Wyoming, and Utah it is a practical impossibility to secure a title under the desert-land law without the possession of a water right sufficient for the irrigation of the tract, and even in other arid States where irrigation laws are less perfect the requirements under this law are so exacting as to leave the chance or opportunity for acquiring land under it, without reclamation, exceedingly limited and remote.

An entry under the desert-land law more certainly assures the building of a home and the improvement of the land than an entry under the homestead law in the same region, even were the commutation clause of that law repealed, for the homesteader is neither required to reclaim or to any considerable extent to cultivate his land, whereas he who even indifferently and only partially reclaims a tract under the desert law must of necessity reside on or near the tract in order to secure any benefit from or maintain the value of the improvements he makes.

Formerly the area of a desert entry was a section. Irrigation laws were less perfect and the administration of the act less intelligent and vigorous than at present, and there is no doubt but what some areas passed into private ownership which were not permanently irrigated; that through the medium of the law other large areas which were irrigated passed under a single ownership. But these are very largely matters relating not to the present, but to the past, and generally to conditions which existed ten or twenty years ago. I am not certain but what we are approaching the time when the area of the desert entry may be properly reduced from 320 to 160 acres, but no more fatal blow could be struck at the development of the arid region through irrigation than the repeal of this law.

NATIONAL IRRIGATION ACT.

By the act of June 17, 1902, the nation embarked upon a policy of national reclamation. Everyone who knows the conditions in the West understands that the works undertaken under this law

will be generally of a character too large or too intricate for private or cooperative enterprise, and that under the desert-land law the farmer or the association of farmers who seek to irrigate limited tracts by diversion of streams or the building of small storage basins will, in the aggregate, reclaim infinitely more land than will be irrigated by works constructed under the national irrigation act.

Not compelled under the desert-land law immediately to establish a permanent home on the arid and nonproductive tract which he seeks to reclaim, the desert entryman is free for the three or four years during which he is reclaiming his tract to reside elsewhere, where he can give his family the advantages of settled communities, and where he may find employment, and investing his surplus earnings and savings in works of reclamation, he finally, unless his undertaking prove beyond his means and conditions less favorable than he had anticipated, reclaims his tract, which in the very nature of things he must eventually make his home and continue to irrigate and improve.

MAKES THE DESERT BLOSSOM.

An entry under the homestead law in the arid and semiarid regions, even with every condition of the law complied with, including five years' residence, if you please, may present nothing at the end of that time but a disfiguring weed patch and an abandoned shack, whereas an entry under the desert-land law, with its provisions at all reasonably complied with, must and does present a picture of verdure and fertility and a permanent and prosperous home established on lands which had been arid and practically worthless.

TIMBER AND STONE ACT.

Another law which the repealers propose to strike from the statute book is that which allows any American citizen to purchase not to exceed 160 acres of land chiefly valuable for the timber or stone it contains and not fit for agricultural purposes at \$2.50 an acre. The discussion of the propriety of repealing this law involves two main questions. First, should the Government from now on seek to become a monopolist of all the remaining timber land of the nation; and, second, if the timber lands or any portion of them should be sold, should they be sold at what amounts in some instances to a nominal price or should their value be determined and a price fixed which reasonably measures the same?

FOREST RESERVATIONS, WHEN TO BE ESTABLISHED.

To the first of these propositions personally I am emphatically opposed, and for many reasons. March 3, 1891, Congress enacted a law authorizing the President "to set apart and reserve lands bearing forests, whether of commercial value or not," as forest reserves. The purposes sought to be served by the establishment of these reserves were declared in the act of June 4, 1897, as follows:

No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flow and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Under this act about 61,000,000 acres of lands have been reserved, and with the objects and purposes of these reservations, as declared in the statute above quoted, I am in full and hearty sympathy, and in so far as those objects have been kept clearly in view and the limitations of the act recognized and adhered to in the creation and administration of the reserves I believe the policy has the general indorsement of the people of the country. If there is other forested area the reservation and preservation of which is demanded in the carrying out of the national policy heretofore declared, such reservation, in my judgment, should be made. But we have on the public domain perhaps 60,000,000 or 70,000,000 acres of lands yet outside of the reserves, having a more or less valuable growth of timber, a great portion of which consists of scattered and detached patches and regions rough and rocky in character, bearing but a scrubby, scattering, and comparatively valueless growth of trees, and not susceptible in the main of supporting a more dense or valuable growth.

DANGER OF REPEAL.

A repeal of the timber and stone act would render it impossible for settlers in the West to obtain title to any of this land except under the homestead law or through the medium of so-called scrip, and would necessarily compel the Government to go into the business of the sale of timber piecemeal over the entire area of the public-land States, and he certainly would be a most enthusiastic optimist who would contemplate such a proposition, and the delays, criticisms, and friction, not to say speculation and fraud, which such a system would invite, with confidence and cheerfulness.

We are told that under the timber and stone act in the aggregate large areas of valuable timber lands have been purchased, and perforce this must spell public calamity and private fraud. The same causes which have led to the increases in the disposition of other public lands had their bearing on operations under the timber and stone act, to wit, good times and the accumula-

tion of savings, and this has been augmented by the fact that timber is growing scarce in some of the regions which have heretofore been large producers, and there has been a disposition to purchase timber and stone lands in some of the States in anticipation of an increase in value with the development of transportation facilities. The aggregate of entries under this law in the recent past has not been as large as one might be led to suppose from all that has been said on the subject. The total sales for 1891 aggregated 396,445 acres, and for 1902, 545,253 acres, and estimating our public forest lands, outside of forest reserves, at the very conservative figure of 50,000,000 acres, at the rate of last year's disposal we would still be selling timber lands a hundred years hence.

The increase in 1902 over 1901 amounted to 150,000 acres, and when it is considered that the area over which these lands were sold comprises over one-third of the United States, neither the increase of sales nor the total area sold can be considered particularly large. While there have been slight increases in the sales under this act in various portions of the region over which it operates in the past two years, the principal increase has been confined to the States of Washington, Oregon, Idaho, and California.

No doubt a considerable portion of the timber lands which have been purchased under this law in the States named contained forests which, in the course of time, with the advent of transportation facilities, will be valuable, but the fact that, in these prosperous times, and with the great inquiry there has been in the past two years for forest lands, there has been but little increase in the amount of lands purchased under the timber and stone act outside of the States named is the best possible proof that the major portion of the forested area of the country is not considered worth \$2.50 an acre at the present time.

WHY NOT PLACE VALUABLE FOREST LAND IN FOREST RESERVES?

Not only has the increased sales of timber lands in the last two years been confined to comparatively few States, but to a few land districts in those States, and this fact naturally leads the layman to inquire, why is it, if it be not good public policy that these timber lands, said to be very valuable, should be disposed of under this law, that they are not reserved by the creation of forest reserves? While it may be suggested that it is not wise or practicable to reserve all or even the best and the most valuable of our timber lands, some of which a high official of the Government recently reported were worth a hundred times what the Government is receiving for them, the natural inquiry is, why is it not practicable?

In view of the fact that vast areas have been included in forest reserves which were as barren of timber or even of brush as a Kansas prairie, and in view of the further fact that only the most persistent and emphatic protests have kept further large areas of this kind out of the forest reserves, and that in spite of all protests considerable regions of this character have in the past been included in forest reserves, it strikes some of us as passing strange that what are officially alleged and declared to be particularly and especially valuable timber lands, and which are located in reasonable solid and compact bodies, are not reserved and preserved under the forest-reserve law.

GET THE FOREST RESERVES IN THE RIGHT PLACE.

In this connection I am reminded of a colloquy which occurred some time ago between an official in high station and a gentleman with whom he was discussing the location of forest reserve lieu rights. Said the official, who, by the way, had had something to do with the establishment of forest reserves: "Just think of it, a man can relinquish his right to a tract of absolutely untimbered and comparatively worthless land within a forest reserve and locate the same on the most magnificent forested land on the continent, some of which contains half a million feet of lumber to the acre. Now, what do you think of that situation?" Said the gentleman thus appealed to: "What do I think of it? I think you have got your forest reserves in the wrong place."

It is my opinion that mountainous forested tracts, the preservation of which is necessary for the purposes declared in the statute relating to forest reserves above quoted, should be reserved, and that the use of these reserves should be allowed in all ways not harmful, and that such reservations should be confined absolutely to mountain and timber lands, and should not include large areas of agricultural or grazing lands, and that all of the forested lands of the Government, other than those thus reserved, should, under proper restrictions, from time to time be disposed of.

I have never believed that there should be a flat price for timber lands all over the United States. In the region covering the summit and the eastern slopes of the Rocky Mountains there is but little, if any, timber land worth more than \$2.50 an acre, for the reason that the timber is generally scattering and inclined to be scrubby and of but little commercial value except for local use. On the western slope, on the contrary, the Government has no doubt sold considerable areas of timber land, which, if not at

the time sold, at least within a reasonable length of time, would be worth more than \$2.50 an acre, and I think the timber and stone act might well be amended so that in regions heavily timbered a price approximately measuring the value of the tract may be obtained.

From a very considerable experience and observation it is my opinion that east of the continental divide of the Rocky Mountains, and in large areas west of it, the Government has made but few sales of land under the timber and stone act in which it did not receive all that the land was worth, and to my personal knowledge many tracts have been purchased which could not have been disposed of if owned by a private individual for as much as the Government price. Owners of small sawmills, to supply local demands, have purchased these tracts, and many thousands of acres of rough, rocky land with but a sparse growth of timber, worthless for agricultural purposes, and except in a limited way for grazing, have been purchased by settlers to round out their holdings and combine the benefits of a limited amount of pasture with the advantages of a private wood lot, and in all this class of purchases the Government has made a most advantageous sale from every point of view.

AS TO FORESTRY.

We have heard a great deal in the past few years about European and particularly German forestry systems, and there are some very good people who are so utterly impracticable as to imagine that you can transplant, in all its detail, a forestry system maintained over limited areas in a densely populated region under a bureaucratic and monarchical form of government and fit it, without alteration or amendment, to the comparatively limitless areas of the public-land States in a region sparsely settled, largely undeveloped, from 1,500 to 2,500 miles from the seat of Government, and settled by a people unaccustomed and opposed to bureaucratic methods, and with the liveliest and most virile notions of individual ownership and local control.

No doubt we can get some valuable pointers on forest preservation from European monarchies, but in the main their methods do not and can not fit the conditions here, at least in the distant undeveloped and largely unsettled portions of the country. Every attempt to apply them will lead to friction and result in failure, and to attempt to retain in public ownership all of the public lands of the United States containing timber, to administer and protect the same and dispose of its product would be impossible of execution, impracticable, and disastrous.

WHERE THE REPEAL AGITATION COMES FROM.

Having discussed these various laws which it has been suggested should be repealed, it might not be improper to inquire as to some of the sources of the agitation for such repeal. It is very natural, it seems to me, that a conscientious official charged with the execution of the public-land laws, desirous of preserving his administration of those laws from any taint or suspicion of fraud, and to see that they are executed in accordance with their letter and their spirit, mindful of the responsibility resting upon him, should be sensitive to and influenced by criticisms which may be made relative to the character of the administration of the same, and confronted with considerable increased demands for public lands and the knowledge that at all times, under the best administration, some frauds against the spirit, if not the letter, of the laws will be perpetrated, should be influenced in his views by the disposition that exists in all Government bureaus to apply the brake at the least suspicion of danger, to err, if at all, on the side of conservatism, and by the exaggerated, inflammatory, and oftentimes untrue statements and criticisms, the cunningly devised, artfully and ingeniously executed appeals and recommendations, in person and through seemingly disinterested channels, of those who cloak a peculiar and personal interest in the repeal of the land laws under the virtuous and saintly garb of disinterested solicitation for the people's welfare and sleepless anxiety lest "the people's heritage" should be "gobbled up" and not reserved for "future generations."

Now, it may be worth our while to inquire briefly whether or not there are any people or interests in these United States that would be served and benefited by the repeal of practically all the land laws save that which allows the settler to go upon the public lands under the generally adverse and hard condition surrounding a location on the public domain at this time and obtain a title to 160 acres after five years of residence and cultivation. Everybody knows, and the repealers must admit, that the repeals recommended would largely decrease the rate of disposition of the public lands, that there would be comparatively few who would be willing to go upon the remaining public lands charged with a knowledge of the fact that under no circumstances or conditions could they ever obtain a title except after five years of residence. The idea, then, is to discourage the taking up of the public lands. That is the avowed aim and purpose of a large class of the repealers.

THE LARGE STOCK GROWERS.

Let us see who would be benefited. In the first place, every large stock owner, who, by continual purchases for a series of years, has acquired the title to all of the lands having a water frontage, or upon which water can be developed, or which is of especial value over a considerable area. He might very likely be benefited by the repeal of the commutation clause of the homestead law and the desert-land act, for while a hardy settler might venture somewhere within the limits of the area he controls and attempt reclamation under the desert act, or the establishment of a home under the homestead act with a view of commutation if the conditions proved such that he could not support his family, or even the taking of 160 acres of rocky, scrubby, timber land with the view of utilizing it for pasture purposes, or for the building of a storage reservoir, few, if any, would be found with the temerity to enter such a territory, bound to a five-year residence with his family; and thus we see that the repeal of the laws in question would undoubtedly result in the perpetuation of certain range monopolies. But so far as I know we are not hearing from people of this class with regard to these matters, whatever may be their personal interest. Most men so situated have too keen a sense of what is right and just to advocate anything of the kind, even though it might redound to their benefit.

THE LAND-GRANT RAILROADS.

In the discussion of this matter, however, we must remember that Uncle Sam has very extensive competitors in the real-estate business—competitors whom he set up in business in this line thirty to forty years ago, with the view of encouraging the building of railroads, to wit, the land-grant railways. So far as the interests of those corporations are concerned in the matter of disposition of lands, they are practically identical, and therefore we may properly consider their interests as consolidated. These railways, first and last, have received grants of 197,000,000 acres of land from the Government, about 35,000,000 of which have been forfeited, leaving about 162,000,000 of railroad grants. How great a proportion of these grants are still in the hands of the railroad companies or the land companies organized by them it is impossible at this time to determine. We do know, however, that the railroad companies own at least 64,000,000 acres of land, or an area as large as Louisiana and Michigan, for this amount of their land grants have not as yet been patented to them. Quite likely some of these unpatented lands have been already sold. It is equally probable that a considerable portion of the patented lands have not been sold. So I think it is fair to assume that the various land-grant roads still own 64,000,000 acres of land, and to this we can add some two or three hundred thousand acres as probably a fair estimate of their grants still in the hands of wagon-road companies. Even if this estimate should prove high, still it will be seen that here is a great real-estate interest.

Now, everybody knows that the value of an article depends upon two propositions:

First, the demand; second, the readily obtainable supply. Does anyone doubt that the repeal of a number of important land laws would increase the sale and largely the value of railroad lands? Let us be conservative and imagine that but 50 cents an acre is added to their value by the repeal of the desert-land act, the commutation clause of the homestead act, and the timber and stone act, and we have, on an estimate of 64,000,000 acres still in the possession of the railroad companies, the very snug sum of \$32,000,000—a sum which is quite worth the getting, and in the securing of which, as a purely business proposition, in addition to the benefits which would flow from having settlement concentrated along the lines of the railways, it is conceivable it might pay to maintain under virtuous disguise a well-paid lobby.

THE LOBBY AND ITS METHODS.

Such a lobby would probably include a few journals under catchy and reassuring titles; possibly a part of a program of this kind would be the somewhat stale and threadbare policy of getting up petitions reciting in a startling and appealing style certain allegations, which would be interesting and important if true, a call to arms and slogan to the clans so artfully worded that he who innocently accepted the premises must be swept as by a Kansas cyclone to the startling, dramatic, and irresistible conclusion, to wit, that the welfare of the nation depends upon the repeal of most of the land laws, and no doubt these "artful dodgers" would be sent broadcast, care being taken to have them fall only into the hands of those having no knowledge of the facts, but such as are always glad to join in a righteous crusade, and who, taking the statements of the petitions as gospel truth, as per directions from headquarters of the repeal bureau, would sign and forward them to their Congressmen.

I have no quarrel whatever with railroads or other people who may employ what they consider legitimate methods for the

increase of their revenues and for the benefit of their interests, but, in view of the facts of the situation, it is not strange that some people refuse to accept as wholly disinterested and altruistic the frantic efforts of a certain coterie of literary and petition-distributing repealers.

Their very close connection with interests which would be largely benefited is to say the least suspicious, and, in view of the facts, their attempts to mislead the people as to the true inwardness of their repeal efforts is the most splendid exhibition of nerve and effrontery which has been witnessed for some time.

HOW PRIVATE INTERESTS WOULD PROFIT.

The manner in which the repeal of the laws we are discussing would increase the sales of land-grant lands and enhance their value is so well understood by those living in the region affected that it need not be discussed at length. Suffice it to say that the average home seeker, rather than go upon a tract of public land with the absolute assurance that he can not obtain title except at the expiration of five years' residence, would prefer to purchase land outright from a land-grant company on long time and easy payments, even at more than the very reasonable price at which land-grant lands are now offered. With the desert-land law repealed, he who sought to irrigate a tract of land, but appreciated the fact that it would be impossible during the three or four years required for the construction of his reservoirs or his ditches to reside upon the tract, as would be required under the homestead law, would naturally seek a tract of railroad or other land in private ownership for the undertaking of his project.

BENEFITS TO SCRIP HOLDERS.

We have a provision of law under which lands in private ownership within forest reserves may be exchanged for any other surveyed lands in the country, nonmineral and unreserved. It is estimated that the forest reserves of the country have within their borders, or had when established, some two and three-fourths millions of acres of land which were the basis for lieu selections. A very great proportion of these lands were railroad land-grant lands, and the right of lieu selection therefore rests in the railroad company so far as they have not disposed of the lands in question. About one and one-half million acres of these lands have been utilized as a basis for lieu selections, leaving perhaps one and one-quarter millions of acres still outstanding.

This area is largely in the hands of a few persons or corporations. At the present time these rights or scrip sell at from \$4 to \$5 an acre, I am told. It is said that it is largely used for the location of valuable timber lands, and in this use its only competitor is the timber and stone act, under which any citizen can secure 160 acres at \$2.50 an acre. Does anyone doubt that the repeal of the timber and stone act would largely increase the value of forest reserve and, in fact, of all other classes of lieu rights and scrip? Not at all. On the contrary, no one who knows anything about the situation can honestly deny the proposition that the repeal of the timber and stone act would nearly, if not quite, double the value of all forest reserve lieu rights and other classes of so-called scrip, and here then is a modest little item of five or six millions of dollars which we would legislate into the pockets of scrip holders by the repeal of timber and stone act.

HOW IT WOULD AFFECT THE NATIONAL IRRIGATION LAW.

There is another phase of this question of repeal of the commutation clause of the homestead law, the desert-land act, and the timber and stone act which I wish briefly to discuss, and I invite the attention both of those who voted for the act of June 17, 1902, reserving the proceeds of the sales of public lands in certain States and Territories for the construction of irrigation works under the National Government, and who are therefore anxious to see the work progress under that law, and those who voted against it, largely through the fear that the expenditures for national works of irrigation would not, for a very considerable length of time, be limited to the proceeds of the sale of public lands.

Under the bill in question a fund began to accumulate at the beginning of the fiscal year ending June 30, 1901, and in the two years ending June 30, 1902, we had accumulated in the fund \$7,772,721.91. So far no actual work of construction under the act has been undertaken. Under the direction of the Secretary of the Interior the work of survey and examination of certain projects has gone steadily forward, and in the no distant future it is believed that the Secretary will have before him the data to enable him to determine where work may be properly undertaken. It is now proposed, before a single project has been undertaken, before any expenditure has been made under the act, except a very moderate one for surveys and examinations, to repeal the laws under which the major portion of the fund is accumulated.

Of the approximately 7½ millions in the irrigation fund at the beginning of the present fiscal year, \$5,234,043.28 was derived from the operation of the commutation clause of the homestead law, the desert-land law, and the timber and stone act, the

amount for each fiscal year, under each of these laws, being as follows:

Cash receipts.

Year.	Commuted homesteads.	Desert land.	Timber and stone.
1901	\$820,782.10	\$324,376.04	\$992,144.93
1902	1,290,506.80	443,067.00	1,363,166.41
Two years	2,111,288.90	767,443.04	2,355,311.34

WOULD LEAVE LITTLE FOR NATIONAL IRRIGATION.

If, therefore, we had repealed the three laws in question when we enacted the national-irrigation law, instead of having in the Treasury at this time to the credit of that work 7½ millions, we would have had in the Treasury but a trifle over 2½ millions, or an actual loss of approximately 5½ millions, or about five-eighths of the fund. No man who has considered this feature of the case and who is honestly anxious to see the irrigation law a success, can favor the repeal of the laws under which the greater portion of our fund is obtained. I am not unmindful of the fact that certain parties who parade as the friends of irrigation are agitating the repeal of these land laws, but this need surprise no one in view of the knowledge of the hostility of the same persons to the national irrigation act as it became a law, a hostility as hot and groundless as their demand since the passage of the act for credit for the accomplishment of the same, and in view of the close cord of sympathy, and, it is claimed, of financial interest between these people and those having large land holdings.

I have already trespassed upon the time of the House longer than I had intended in the discussion of these questions, and yet the subject is so vast, so far-reaching, has so many bearings and phases that I have only been able to present, in a condensed and hurried way, a very few of the suggestions and arguments which might be made with regard to the present agitation for the repeal of the land laws under discussion. I do not wish to be understood as registering the opinion that the laws referred to, either in their provisions or in their administration, are absolutely perfect. In fact, I have suggested some amendments which I think might properly be made. But I am of the opinion that on the whole these laws have operated wonderfully well in the development and settlement of our country along the lines of the American policy of small land holdings, the carrying out of which should be our constant aim and purpose.

No one conversant with present conditions imagines that a family can be supported according to American ideas on every 160 acres of Uncle Sam's unappropriated domain. There are vast regions where 640, 1,000, or 5,000 acres of irreclaimable grazing land are required for the support of a family, and in the no distant future we should recognize this fact in legislation, so that he who reclaims a tract of irrigable land may secure the use or ownership of a reasonable area of the nonirrigable grazing land adjacent to his home. We should seek to enforce the provisions of the land laws as we now have them, and amend and modify them from time to time along the lines of encouraging rather than discouraging settlement.

Lands that can be irrigated should unquestionably be held in small tracts, and this is the constant tendency throughout the West—a tendency to decrease rather than increase the size of irrigable holdings. If, perchance, lands which the Government, through the instrumentality of the national irrigation law, should some day propose to irrigate, did to a certain extent pass into private ownership without being fully irrigated, that fact would not be a bar to irrigation under that act; the act itself would compel the breaking up of these tracts into small areas, and, as I said before, the tendency throughout the West is to decrease rather than increase the size of areas under single ownership, whether utilized under irrigation or for grazing purposes.

SUGGESTIONS AS TO AMENDMENTS.

I do not claim any peculiar or special wisdom with regard to these matters, though a lifetime of experience in public-land States and Territories has given me some very positive ideas on the subject; and if I were to make any suggestions with regard to the laws we have discussed, they would be about as follows and purely tentative:

If, as a matter of fact, the commutation feature of the homestead law has been utilized for the purpose of obtaining title to valuable timber lands, amend that clause so that lands chiefly valuable for timber and not valuable for agricultural purposes when cleared could not be obtained under its provisions.

As I stated in the early part of my remarks, it is possible that the time has arrived when it would be wise to reduce the maximum acreage of an entry under the desert-land act to 160 acres; this is a subject properly up for discussion among those interested and having the best knowledge on the subject.

So far as the timber and stone act is concerned, it is in my

opinion well adapted to the conditions east of the continental divide of the Rocky Mountains. If the more valuable timber lands in some parts of Oregon, Washington, California, and possibly Idaho and Montana, west of the continental divide, can not be practically and properly reserved, then the law should be amended as regards those regions so that the price paid per acre shall reasonably measure the value of the property disposed of.

ADMINISTRATION OF LAND LAWS.

And now one word as to the administration of the land laws. Operating over so vast an area as they do, over territory so widely and radically differing in conditions of soil, climate, and topography, it is impossible for finite wisdom to enact laws wholly and completely applicable to all sections and all conditions, and it is useless to hope that the most enlightened, thorough, and business like administration of these laws shall, in the multitude of cases, always compel full compliance with the spirit as well as the letter of the enactment. But in view of the conditions and difficulties, it is my opinion that our land laws have always been reasonably well administered and that, taken by and large and as a whole, they are better administered now than they ever have been in the history of the Union, not excepting the period when their administration was attended with much less difficulty than now by reason of the practical uniformity of conditions and the comparatively prescribed area of their operations.

The desire to own land is strong among the people of our country. The tendency to small holdings is constant and continuous. Where considerable holdings of lands suitable for the support of families in small holdings have been obtained, the tendency is to divide and to subdivide, and only over those tracts in the arid and semiarid regions, impossible of reclamation or irrigation and suited to grazing of live stock, will the tendency to ownership of larger areas than the 40, 80, or 160 acre farm continue, and there the tendency, in the main, is only to the control or ownership or use of such an area as may be necessary to the support of a family.

We do well to guard the public domain, to bend every energy to its development, and we shall work for the best interests of the people and of the country only as we encourage in a wise and conservative way the acquisition of public lands by private individuals, and invite every aid of private and cooperative enterprise in the work of irrigation reclamation, which the Government, through its recently established agency, can only undertake and accomplish over a comparatively few extensive tracts.

There are several Western States where less than a tenth of the lands comprising their area have passed into private ownership and are taxable for the support of State and county governments, schools, and all of the institutions of civilized communities. This necessarily results in burdensome taxation upon personal property and enterprise and necessitates delay in the inauguration of needed public improvements. The people of such States naturally look forward to the time when a greater portion of their area will be taxed, when by reason of personal interest as owners a greater number of people will bend their energies to develop and improve. The people of such States, those who are anxious to see the irrigation work of the National Government prosper, who seek the development of our Western country in the immediate future, and who do not look kindly upon the proposition to reserve all of our lands for "future generations," are opposed to the wholesale sweeping scheme of the " repealers."

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to consume any more time? [Cries of "Vote!"]

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 51, answered "present" 17, not voting 127; as follows:

YEAS—156.

Acheson,	Conner,	Gaines, Tenn.	Kahn,
Adamson,	Cooper, Wis.	Gardner, N. J.	Kehoe,
Allen, Me.	Cousins,	Glass,	Kern,
Bankhead,	Cowherd,	Gooch,	Kitchin, Claude
Bartlett,	Cromer,	Gordon,	Kitchin, Wm. W.
Benton,	Crowley,	Graft,	Kluttz,
Billmeyer,	Crumpacker,	Graham,	Kyle,
Bishop,	Cushman,	Green, Pa.	Lacey,
Boreing,	De Armond,	Greene, Mass.	Lamb,
Broussard,	Dinsmore,	Hamilton,	Landis,
Brundage,	Dougherty,	Hanbury,	Latimer,
Burke, S. Dak.	Douglas,	Haugen,	Lawrence,
Burlingame,	Eddy,	Hay,	Lester,
Burleson,	Esch,	Hedge,	Lever,
Burton,	Feely,	Hepburn,	Lewis, Ga.
Butler,	Finley,	Howard,	Lewis, Pa.
Caldrehead,	Fitzgerald,	Irwin,	Lindsay,
Candler,	Flanagan,	Jackson, Kans.	Little,
Cassingham,	Fletcher,	Jenkins,	Livingston,
Clark,	Flood,	Johnson,	Lloyd,
Clayton,	Fordney,	Jones, Wash.	Loudenslager,

McAndrews,	Moon,	Ryan,	Sutherland,
McCall,	Mutchler,	Selby,	Swann,
McClellan,	Needham,	Shackelford,	Swanson,
McCulloch,	Norton,	Sheppard,	Tate,
McLain,	Olmsted,	Showalter,	Tawney,
McRae,	Otjen,	Sims,	Taylor, Ala.
Maddox,	Padgett,	Slayden,	Thomas, N. C.
Mahon,	Parker,	Small,	Thompson,
Mahoney,	Patterson, Pa.	Smith, Ky.	Trimble,
Mann,	Randell, Tex.	Smith, H. C.	Underwood,
Marshall,	Rhea,	Smith, Wm. Alden	Vandiver,
Martin,	Richardson, Ala.	Snodgrass,	Wachter,
Maynard,	Richardson, Tenn.	Southwick,	Warner,
Mickey,	Rixey,	Sparkman,	Wiley,
Miers, Ind.	Robb,	Spight,	Williams, Ill.
Miller,	Robinson, Ind.	Steele,	Williams, Miss.
Mondell,	Rucker,	Stevens, Tex.	Woods,
Moody,	Russell,	Stevens, Minn.	Zenor.

NAYS—51.

Alexander,	Capron,	Hill,	Reeder,
Applin,	Cassel,	Hull,	Roberts,
Barney,	Currier,	Jack,	Schirm,
Bartholdt,	Dalzell,	Jackson, Md.	Scott,
Bates,	Darragh,	Long,	Shelden,
Beidler,	Davidson,	M. Lachlan,	Southard,
Blackburn,	Driscoll,	Morgan,	Stewart, N. Y.
Brandegee,	Dwight,	Mudd,	Tirrell,
Brick,	Fowler,	Nevin,	Van Voorhis,
Bristow,	Gardner, Mich.	Overstreet,	Watson,
Brown,	Gibson,	Payne,	Wright,
Bull,	Grosvenor,	Pearre,	Young.
Burkett,	Hemenway,	Powers, Mass.	

ANSWERED "PRESENT"—17.

Burgess,	Gaines, W. Va.	Moss,	Smith, Iowa
Coombs,	Grow,	Pierce,	Thomas, Iowa.
Dayton,	Haskins,	Prince,	
Emerson,	Joy,	Shattuc,	
Foss,	Knapp,	Sherman,	

NOT VOTING—127.

Adams,	Deemer,	Jett,	Robinson, Nebr.
Allen, Ky.	Dick,	Jones, Va.	Ruppert,
Babcock,	Dovener,	Ketcham,	Scarborough,
Ball, Del.	Draper,	Kleberg,	Shafroth,
Ball, Tex.	Edwards,	Knox,	Shallenberger,
Bell,	Elliott,	Lassiter,	Sibley,
Bellamy,	Evans,	Lessler,	Skiles,
Belmont,	Fleming,	Littauer,	Smith, Ill.
Bingham,	Foerderer,	Littlefield,	Smith, S. W.
Blakeney,	Foster, Ill.	Load,	Snook,
Boutell,	Foster, Vt.	Lovering,	Sperry,
Bowersock,	Fox,	McCleary,	Stark,
Bowie,	Gardner, Mass.	McDermott,	Stewart, N. J.
Brantley,	Gilbert,	Mercer,	Storm,
Breazeale,	Gill,	Metcalfe,	Sulloway,
Bromwell,	Gillet, N. Y.	Meyer, La.	Sulzer,
Brownlow,	Gillett, Mass.	Minor,	Talbert,
Burnett,	Glenn,	Morrell,	Taylor, Ohio
Caldwell,	Goldfogle,	Morris,	Thayer,
Cannon,	Griffith,	Naphen,	Tompkins, N. Y.
Cochran,	Griggs,	Neville,	Tompkins, Ohio.
Connell,	Heatwole,	Newlands,	Vreeland,
Conry,	Henry, Conn.	Palmer,	Wadsworth,
Cooney,	Henry, Miss.	Patterson, Tenn.	Wagoner,
Cooper, Tex.	Henry, Tex.	Perkins,	Wanger,
Corliss,	Hildebrandt,	Pou,	Warnock,
Creamer,	Hitt,	Powers, Me.	Weeks,
Curtis,	Holliday,	Pugsley,	Wheeler,
Dahle,	Hooker,	Rausdell, La.	White,
Davey, La.	Hopkins,	Reeves,	Wilson,
Davis, Fla.	Howell,	Reid,	Wooten
	Hughes,	Robertson, La.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill passed.

The following additional pairs were announced:

For the session:

Mr. GROW with Mr. HOOKER.

Until further notice:

Mr. BLAKENEY with Mr. NEVILLE.

Mr. MOSS with Mr. ALLEN of Kentucky.

Mr. GAINES of West Virginia with Mr. BOWIE.

Mr. COOMBS with Mr. DAVEY.

Mr. WM. ALDEN SMITH with Mr. BURNETT.

Mr. FOSS with Mr. FOX.

Mr. BABCOCK with Mr. HENRY of Texas.

Mr. HOPKINS with Mr. PATTERSON of Tennessee.

Mr. BALL of Delaware with Mr. BALL of Texas.

Mr. SAMUEL W. SMITH and Mr. SHEPPARD, on this vote.

Mr. SMITH of Iowa with Mr. STARK.

Mr. HANBURY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HANBURY. I was.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HANBURY, and he voted "yea," as above recorded.

Mr. WARNOCK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present, and in his seat, and listening, when his name was called and did not hear it?

Mr. WARNOCK. I was present listening up to the beginning of the W's and did not hear my name called.

The SPEAKER. That does not answer the requirements.

Mr. WARNOCK. That is as far as I can go.

The SPEAKER. The gentleman can not vote. [Laughter.] The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1903:

- H. R. 1027. An act granting a pension to Lavinia Cook;
- H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;
- H. R. 4178. An act for the relief of Austin A. Yates;
- H. R. 5028. An act for the relief of Francis M. Oliver;
- H. R. 15461. An act for the relief of Daniel F. Lee;
- H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;
- H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;
- H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;
- H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and
- H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

AMENDING SECTION 3394, REVISED STATUTES, RELATING TO TOBACCO.

Mr. STEELE. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco.

The SPEAKER. The Chair will admonish the gentleman from Indiana that if this is the bill that the Chair understands it to be, it is not on the Speaker's table, but is on the Union Calendar.

Mr. STEELE. I move to discharge the Committee of the Whole House on the state of the Union, and suspend the rules and pass the bill as amended.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an act to amend sections 3362 and 3394 of the Revised Statutes of the United States, relating to tobacco, approved July 1, 1902, be, and the same is hereby, amended so as to read as follows:

"None of the packages of manufactured smoking or chewing tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed in, or attached to, or connected with them, or their contents, any article or thing whatsoever other than the manufacturer's wrapper and labels, the internal-revenue stamp, and the tobacco, snuff, cigars, or cigarettes, respectively, put up thereon on which tax is required to be paid under internal-revenue laws; nor shall there be affixed to or branded, stamped, marked, written, or printed upon said packages or their contents any promise or offer of any promise, or any order or certificate, for any gift, prize, premium, payment, or reward. And it shall be unlawful for any manufacturer of tobacco, snuff, cigars, or cigarettes, or wholesale or retail dealer in manufactured tobacco, snuff, cigars, or cigarettes, or for any other person, firm, or corporation, to give or offer to give, directly or indirectly, any gift or premium for the return of any tag, label, or coupons, or any article or thing attached to or connected with any statutory package of tobacco, snuff, cigars, or cigarettes bearing or having attached thereto any internal-revenue stamp. Any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes of the United States: *Provided*, That nothing in this act contained shall be so construed as to exclude from any package referred to in the preceding paragraph a label or certificate indicating the character of labor employed in the manufacture of the contents of such package."

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. UNDERWOOD. On that motion I demand a second.

Mr. GROSVENOR. I demand a second.

Mr. UNDERWOOD. I yield to the gentleman from Ohio [Mr. GROSVENOR] for that purpose. I thought he was not going to make the demand, and that is the reason I made it.

Mr. STEELE. I ask unanimous consent that a second be considered as ordered.

Mr. GROSVENOR. I have no objection.

Mr. UNDERWOOD. I shall have to object.

The SPEAKER, under the rule, appointed as tellers on seconding the motion to suspend the rules Mr. GROSVENOR and Mr. STEELE. The House divided; and the tellers reported—ayes 100, noes 8. So the motion was seconded.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. STEELE] to control the time in favor of the motion, and the gentleman from Ohio [Mr. GROSVENOR] to control the time against it, each gentleman being entitled to twenty minutes.

Mr. STEELE. Mr. Speaker, this bill proposes to restore that section of the Dingley law which was repealed only a very few months ago which will prevent the use of coupons or tags or other devices to be returned to dealers in exchange for prizes to be given out on account of the number of packages of certain classes of tobacco that are sold. I am not going to discuss the bill, because every gentleman here is perfectly familiar with its effect, and because two or three gentlemen are very anxious to speak upon the bill, while I am not.

I reserve the balance of my time for the present.

Mr. SNODGRASS. Does this bill interfere in any way with trade-marks?

Mr. STEELE. It does not, nor with union-labor labels nor with tags.

Mr. LITTLE. As I understand, the purpose of the bill is simply to remove the gambling or prize feature in the sale of tobacco.

Mr. STEELE. Yes; precisely—to eliminate that.

Mr. LESSLER. Why was the law repealed a few months ago?

Mr. STEELE. You will have to ask somebody else that question; I give it up. [Laughter.]

Mr. CLAYTON. Will the gentleman allow me a question?

Mr. STEELE. Yes, sir.

Mr. CLAYTON. This bill is against the tobacco trust, is it not, in your opinion?

Mr. STEELE. Well, it is in favor of fair dealing.

Mr. CLAYTON. And do not you think it is against the tobacco trust, and is not the tobacco trust trying to defeat its passage?

Mr. STEELE. Well, I have heard so. [Laughter.]

Mr. Speaker, I reserve the balance of my time.

Mr. GROSVENOR. Well, Mr. Speaker, I do not think the negative side of this proposition ought to be called on to make out its case before the affirmative side has been presented. Here is a proposition to change a certain statute, and to change the entire practice (if one step in this direction is to follow another, as would naturally be the case) of a dozen of the principal businesses of the country. And in this position of the question the gentleman reserves his time. If he has any reason to give why this bill ought to pass, it seems to me he ought to say so. It has not been a year since Congress passed the law which the gentleman now proposes to repeal. Mr. Speaker, I am willing to have a vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. UNDERWOOD. On that question I ask for a division.

Mr. CLAYTON and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 10, answered "present" 16, not voting 154; as follows:

YEAS—171.

Acheson,	Draper,	Lindsay,	Richardson, Tenn.
Alexander,	Driscoll,	Littauer,	Rixey,
Allen, Me.	Dwight,	Little,	Robb,
Aplin,	Finley,	Littlefield,	Robinson, Ind.
Ball, Del.	Flanagan,	Long,	Rucker,
Barney,	Flood,	Loudenslager,	Russell,
Bartholdt,	Foerderer,	Lovering,	Schirm,
Bartlett,	Foss,	McAndrews,	Selby,
Bates,	Gaines, Tenn.	McCall,	Shackleford,
Billmeyer,	Gardner, Mich.	McCleary,	Shelden,
Bishop,	Gibson,	McClellan,	Sheppard,
Blackburn,	Gillet, N. Y.	McLachlan,	Slayden,
Boutell,	Glass,	Maddox,	Small,
Brandegge,	Gooch,	Mahon,	Smith, Ky.
Brick,	Gordon,	Mahoney,	Smith, H. C.
Bristow,	Graft,	Marshall,	Snodgrass,
Broussard,	Griggs,	Martin,	Southwick,
Brown,	Hamilton,	Maynard,	Steele,
Burk, Pa.	Hanbury,	Mercer,	Stevens, Minn.
Burke, S. Dak.	Haakins,	Mickey,	Stewart, N. Y.
Burkett,	Hay,	Miers, Ind.	Sulloway,
Burleson,	Hepburn,	Minor,	Sutherland,
Caldwell,	Hildebrandt,	Moody,	Swanson,
Candler,	Hill,	Moon,	Tate,
Capron,	Hitt,	Morris,	Tawney,
Cassel,	Hopkins,	Mudd,	Taylor, Ohio
Cassingham,	Howard,	Mutchler,	Thomas, N. C.
Clayton,	Hull,	Needham,	Thompson,
Connell,	Irwin,	Norton,	Trimble,
Cousins,	Jack,	Olmsted,	Underwood,
Cowherd,	Jackson, Kans.	Otjen,	Vandiver,
Cromer,	Jackson, Md.	Padgett,	Van Voorhis,
Crumpacker,	Jenkins,	Parker,	Vreeland,
Currier,	Jones, Wash.	Patterson, Pa.	Wachter,
Cushman,	Kitchin, Claude	Payne,	Wagoner,
Dahle,	Kitchin, Wm. W.	Pearre,	Warner,
Dalzell,	Kluttz,	Perkins,	Warnock,
Darragh,	Knapp,	Powers, Mass.	Wiley,
Davidson,	Lamb,	Randell, Tex.	Williams, Miss.
Davis, Fla.	Latimer,	Reeder,	Woods,
De Armond,	Lawrence,	Reeves,	Wright,
Dinsmore,	Lewis, Ga.	Rhea,	Zenor.
Douglas,	Lewis, Pa.	Richardson, Ala.	

NAYS—10.

Dovener, Haugen, Lester, Sperry.

Gardner, N. J.

Grosvenor, Lacey, Roberts, Southard.

Lessier.

ANSWERED "PRESENT"—16.

Adamson,	Gaines, W. Va.	Kyle,	Sherman,
Burgess,	Henry, Conn.	Mann,	Smith, Iowa
Elliott,	Holliday,	Miller,	Stark,
Emerson,	Joy,	Prince,	Young.

NOT VOTING—154.

Adams,	Benton,	Brownlow,	Clark,
Allen, Ky.	Bingham,	Brundidge,	Cochran,
Babcock,	Blakeney,	Bull,	Conner,
Ball, Tex.	Boreing,	Burleigh,	Conry,
Bankhead,	Bowersock,	Burnett,	Combs,
Beiler,	Bowie,	Burton,	Cooney,
Bell,	Brantley,	Butler,	Cooper, Tex.
Bellamy,	Breazeale,	Calderhead,	Cooper, Wis.
Belmont,	Bromwell,	Cannon,	Corliss,

Creamer,	Griffith,	Meyer, La.	Skiles,
Crowley,	Grow,	Mondell,	Smith, Ill.
Curtis,	Heatwole,	Morgan,	Smith, S. W.
Davey, La.	Hedge,	Morrell,	Smith, Wm. Alden
Dayton,	Hemenway,	Moss,	Snook,
Deemer,	Henry, Miss.	Napfen,	Sparkman,
Dick,	Henry, Tex.	Neville,	Spight,
Dougherty,	Hooker,	Nevin,	Stephens, Tex.
Eddy,	Howell,	Newlands,	Stewart, N. J.
Edwards,	Hughes,	Overstreet,	Storm,
Esch,	Jett,	Palmer,	Sulzer,
Evans,	Johnson,	Patterson, Tenn.	Swann,
Feely,	Jones, Va.	Pierce,	Talbert,
Fitzgerald,	Kahn,	Pou,	Taylor, Ala.
Fleming,	Kehoe,	Powers, Me.	Thayer,
Fletcher,	Kern,	Pugsley,	Thomas, Iowa
Fordney,	Ketcham,	Ransdell, La.	Tirrell,
Foster, Ill.	Kleberg,	Reid,	Tompkins, N. Y.
Foster, Vt.	Knox,	Robertson, La.	Tompkins, Ohio
Fowler,	Landis,	Robinson, Nebr.	Wadsworth,
Fox,	Lassiter,	Ruppert,	Wanger,
Gardner, Mass.	Lever,	Ryan,	Watson,
Gilbert,	Livingston,	Scarborough,	Weeks,
Gill,	Lloyd,	Scott,	Wheeler,
Gillett, Mass.	Loud,	Shafroth,	White,
Glenn,	McCulloch,	Shallenberger,	Williams, Ill.
Goldfogle,	McDermott,	Shattuc,	Wilson,
Graham,	McLain,	Showalter,	Wooten,
Green, Pa.	McRae,	Sibley,	
Greene, Mass.	Metcalfe,	Sims,	

So the rules were suspended, the Committee of the Whole House on the state of the Union was discharged, and the bill as amended was passed.

The Clerk announced the following additional pairs:
Until further notice:

Mr. SHOWALTER with Mr. LATIMER.
Mr. BOREING with Mr. LLOYD.
Mr. GRAHAM with Mr. MCRAE.
Mr. LANDIS with Mr. SIMS.
Mr. HEDGE with Mr. JOHNSON.
Mr. STORM with Mr. TAYLOR of Alabama.
For the vote:
Mr. HEATWOLE with Mr. DOUGHERTY.
Mr. WEEKS with Mr. BANKHEAD.
Mr. SCHIRM with Mr. WILLIAMS of Illinois.
Mr. KYLE with Mr. CROWLEY.
Mr. YOUNG with Mr. DAVEY of Louisiana.
Mr. BURLEIGH with Mr. GOLDFOGLE.
Mr. BEIDLER with Mr. BALL of Texas.

The result of the vote was announced as above recorded.

MAJ. WILLIAM CRAWFORD GORGAS.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1695) to authorize the promotion of Maj. William Crawford Gorgas, surgeon of the Army of the United States.

The SPEAKER. The gentleman moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc. That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Maj. William Crawford Gorgas, surgeon, United States Army, to the grade of assistant surgeon-general, United States Army, with the rank of colonel, the number in that grade of the Medical Department to be temporarily increased for that purpose during the time that he may hold that office.

Mr. UNDERWOOD. I demand a second, Mr. Speaker.

Mr. SLAYDEN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. UNDERWOOD. I object.

The SPEAKER. Objection is made by the gentleman from Alabama. The Chair appoints to tell the House the gentleman from Texas, Mr. SLAYDEN, and the gentleman from Alabama, Mr. UNDERWOOD.

The House divided; and the tellers reported—ayes 58, noes 1.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Texas and the gentleman from Alabama.

Mr. MANN. Mr. Speaker, I wish to make a point of order on the recognition to ascertain whether the gentleman from Alabama is opposed to the bill.

Mr. UNDERWOOD. I will answer that, Mr. Speaker. I myself demanded a second in order that I might yield to the gentleman from New York, who is opposed to the bill. I now yield all of my time to him.

The SPEAKER. Then the gentleman from New York will be recognized and not the gentleman from Alabama.

Mr. TAWNEY. Does the gentleman from Alabama not think that the gentleman from New York was capable of demanding a second?

Mr. FITZGERALD. I did demand a second.

Mr. SLAYDEN. Mr. Speaker, this is a bill which proposes to recognize the extraordinary services rendered to the country by a medical officer during the occupancy of the island of Cuba by the United States Army. There were three medical officers down

there, Major Reed, Major Gorgas, and Lieut. Col. Valery Havard, all of whom rendered conspicuous and valuable services to the country. Major Reed, who made the valuable discoveries as to the method of the transmission of yellow fever, is dead, and no reward can go directly to him. Major Gorgas is living, and it is in his behalf that this bill has been proposed. It has the indorsement of the Secretary of War, of the Surgeon-General of the Army, of the Adjutant-General of the Army, and is strongly indorsed in a letter from Gen. Leonard Wood, who says:

It gives me great pleasure, as Major Gorgas's commanding officer for the past two and a half years, to most earnestly invite to your favorable consideration the recognition, as proposed in this bill, of the excellent work performed by Major Gorgas as chief sanitary officer of the city of Habana, a work of inestimable value, not only to the inhabitants of the city and island, but to the inhabitants of the Southern States.

This letter was addressed to a Senator.

The bill proposes to create for this purpose the rank of colonel, and to advance Major Gorgas to that rank.

Mr. Speaker. I reserve the balance of my time, yielding the floor now to the gentleman from New York.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Speaker, it is unfortunate to be compelled to oppose a bill to promote a man who has rendered meritorious service, but the passage of this bill will do such gross injustice to other men in the service that I can not permit it to pass without raising my voice in protest.

Major Gorgas was the chief sanitary officer stationed at Habana, but while he was stationed there he was under the command of his superior officer, Lieut. Col. Valery Havard, who was in charge of the medical service in the entire island of Cuba. Major Gorgas, with unlimited resources placed at his command, did simply what any other intelligent and efficient medical officer in the service of the Army would have done. He cleaned up the city of Habana. The work was under the direction of Lieutenant-Colonel Havard.

Major Gorgas's position enabled him to sign the weekly statements of the vital statistics issued by our forces in Cuba at the time, and these were spread broadcast throughout the United States, and in this way Major Gorgas got his great reputation. Lieutenant-Colonel Havard rendered just as distinguished, if not more distinguished, service than Major Gorgas. It is unfair to him and to the other men in the medical branch of the Army to promote Major Gorgas over them. His promotion to the rank of colonel will jump thirty or thirty-five officers who now rank him in the medical service. It will place him six or seven numbers over Lieutenant-Colonel Havard, who is now 35 numbers above him in rank, and has been six years longer in the medical service of the Army. Major Gorgas is not entitled to any of the credit which came from the discovery of the agency of the mosquito in the transmission of yellow fever. That great scientific discovery belongs peculiarly to Major Reed. I think Congress in the last session passed an act to promote Major Reed to the rank of colonel, that being an additional colonelcy, and against that promotion there was no protest, because it was recognized that his service was of a preeminent character.

Mr. HAY. Major Reed never was promoted to be a colonel.

Mr. FITZGERALD. No; he died. But I believe a bill passed.

Mr. HAY. No; no bill was ever introduced.

Mr. FITZGERALD. My information was that the bill had been introduced, but that Major Reed died before he could be promoted.

Mr. HAY. He died before the bill was introduced.

Mr. HULL. There was a pension bill to give \$125 a month to his widow.

Mr. FITZGERALD. The intention was to reward Major Reed.

Mr. HAY. And I will say to the gentleman that in the same recommendation Major Gorgas was recommended to be a lieutenant-colonel.

Mr. FITZGERALD. Major Reed died before the intended promotion occurred.

Mr. LESSLER. I should like to know from the gentleman if this man can not be promoted now to be a lieutenant-colonel, if there is a vacancy.

Mr. HAY. There is no vacancy. This is to create an additional colonel.

Mr. LESSLER. But as a recognition of his service, if there is a vacancy in the numbers ahead of him, could he be promoted.

Mr. FITZGERALD. I am not familiar enough with the matter to state that.

Mr. HULL. He could not jump anybody else.

Mr. FITZGERALD. I have here, Mr. Speaker, a copy of an order issued from the headquarters of the Army of the Department of Cuba, dated Habana, December 27, 1901. It reads as follows:

No. 259.] HEADQUARTERS DEPARTMENT OF CUBA,
Habana, December 27, 1901.

The military governor of Cuba directs the publication of the following:
Upon relieving Lieut. Col. Valery Havard, deputy surgeon-general, United

States Army, chief surgeon of the Department of Cuba, of the many duties which he has been performing in connection with the civil government of the island, covering a period from the fall of 1898 until the present time, the military governor desires to thank Colonel Havard for his thorough, able, and conscientious performances of all duties assigned to him. Colonel Havard's duties have covered almost every field of sanitary work and have been of the greatest value to the insular government and the people of the island.

H. L. SCOTT, *Adjutant-General.*

[Traducción.]

No. 259.]

CUARTEL GENERAL, DEPARTAMENTO DE CUBA,
Habana, 27 de Diciembre de 1901.

El Gobernador Militar de Cuba ha tenido á bien disponer la publicación de lo siguiente:

Al relevar al Teniente Coronel Valery Havard, Cirujano General Delegado del Ejército de los Estados Unidos, de las funciones que ha tenido á su cargo, relacionadas con el ramo del Gobierno Civil de esta Isla, desde el Otoño de 1898 hasta la fecha; cumple á los deseos del Gobernador Militar hacer presente, que se complace en reconocer el celo, inteligencia y fidelidad con que el Coronel Havard ha desempeñado su destino. Sus servicios han abarcado casi todos los detalles de la Higiene, produciendo los más satisfactorios resultados, así para el Gobierno, como para el pueblo de la Isla.

H. L. SCOTT,
El Ayudante General.

If this bill passes, this man, who is the superior officer of Major Gorgas and under whom Major Gorgas performed his work, will become the inferior of Major Gorgas. Major Gorgas was not even a member of Major Reed's commission which carried on the work instituted by him and which originated from the discovery of the agency of the mosquito in the transmission of yellow fever. I appeal to the House not to pass this bill and do so great an injustice to other men of equally meritorious service, however meritorious Major Gorgas's services may have been. I have nothing to say in condemnation of his work. This bill, it is true, has received the approval of different officials of the War Department, and yet it does not appear that at the time they sanctioned and approved this bill the services of Colonel Havard had been called to their attention. I reserve the balance of my time, and will yield to any gentleman who wishes to oppose the bill.

Mr. LESSLER. I would like to ask the gentleman if there was not a vacancy at the head of the corps of the Army a short time ago, and, as a brigadier-general is the head of that corps, as I understand, if this man's services were so tremendously valuable, why was he not put at the head of that corps?

Mr. FITZGERALD. I am not familiar with the law regulating promotions in the medical service of the Army.

Mr. STEELE. He could have been nominated for appointment by the President.

Mr. LESSLER. Why not have had the officials recommend that rather than bring it up in this way?

Mr. HULL. He could not have been appointed a brigadier-general.

Mr. SLAYDEN. I yield such time as he desires to the gentleman from Iowa.

Mr. FITZGERALD. I reserve the balance of my time.

Mr. HULL. Major Gorgas could not have been appointed a brigadier-general at the time, for the reason that he was not a lieutenant-colonel. The law which provides for making a brigadier-general by detail in the service provides that they shall be taken from not below the grade of lieutenant-colonel.

Mr. LESSLER. Could he not have been given that grade?

Mr. HULL. He could not under the law for promotions. If there was a vacancy above him, and he had distinguished himself in the field, being a senior major, he could have got the grade of lieutenant-colonel, but under the law you can not jump a junior over a senior.

Mr. LESSLER. Does the gentleman say that for gallant and meritorious service in the Army there is no way of promoting a man who is in inferior rank?

Mr. HULL. I do mean to say that, and I am glad of it. But if a man is so distinguished in his services he could be made a brigadier-general; he could be promoted up to and including the grade of colonel. But the President has absolutely no power to jump a junior over a senior. He could be given temporary rank in the volunteer service.

Mr. LESSLER. Funston got it.

Mr. HULL. He was made a brigadier-general of volunteers.

Mr. LESSLER. He got promoted to the regulars.

Mr. HULL. No; he was not in the Regular Army. He never was a commissioned officer of the Regular Army. When he received his promotion it was from that of brigadier-general of volunteers to brigadier-general of the regular force.

Mr. STEELE. I was mistaken. I had forgotten that under the provisions of the recent law they must select from not under the grade of lieutenant-colonel.

Mr. HULL. If I may be pardoned for just a word. It was not intended by the committee, I know, to do any injustice to any officer in the Medical Corps. I know, further, that the general law limits the man to the file above, and in some sense it is a discrimination against the officers, of course. But no junior is

placed in a higher position than a senior by this. At the same time it was considered that this was due to this man for the great services that he rendered in connection with the yellow-fever investigation in Cuba, especially when it is backed up as it was by the unanimous recommendation of his superior officers of the War Department. The committee thought it was no more than just to him to give him this promotion.

Mr. LESSLER. Who were the other officers associated with him in this work?

Mr. HULL. Major Reed was the other officer.

Mr. SLAYDEN. I would like to ask the gentleman from New York if he has consumed all the time in this debate that he wishes to? [Cries of "Vote!"]

Mr. FITZGERALD. I do not desire to use any more time.

Mr. STEELE. I would like to say just a word or two.

Mr. FITZGERALD. I yield such time to the gentleman as he desires.

Mr. STEELE. My opinion is that it is a bad precedent to come to Congress with the recommendation that a man should be promoted over his superior officer every time an officer of the Army has done his duty and seems to have done it very well. There is a way of having officers do their duty, whether they wish to or not, and if they are not efficient, or if they do not desire to do their whole duty, to muster them out of the service of the Government on account of their inefficiency. It is a rank injustice to give one officer an opportunity to perform especially good services and to deny another officer an opportunity to merit promotion. The officer who has been favored with an opportunity is promoted, while another officer by lack of opportunity can not be promoted. It is absolutely unfair. Nine times out of ten where officers were kept from Cuba it was against their will. They wanted to go over there. They wanted an opportunity to fight and to show what was in them.

Now, because they were denied this opportunity and others were allowed to go, the officers who got the favor overslaughed those who would have liked to have had the opportunity in many cases. As brave men as ever did duty have been thus overslaughed. I do not believe it is right. There is nothing especially meritorious in this case. Surgeon Reed undoubtedly discovered that yellow fever was carried from one person to another by the mosquito, and for that reason special favor has been asked for his widow, which I favor. Now they come up with another officer, because he was with Major Reed, and ask for him special favor; and it is discovered here that there is still another officer, who also has been with Major Reed performing special service, and that he ought to be a brigadier-general or a colonel. His time will come hereafter, I suppose. It all creates heartburnings where there is no occasion for it.

Mr. SLAYDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Texas has eighteen minutes remaining, and the gentleman from New York has five minutes remaining.

Mr. SLAYDEN. I will ask the gentleman from New York if he will not occupy some of his time now?

Mr. FITZGERALD. Two gentlemen have asked me for time.

Mr. SLAYDEN. I will ask the gentleman from New York to use his time now.

Mr. FITZGERALD. Will the gentleman from Texas use his time in one speech?

Mr. SLAYDEN. Yes.

Mr. FITZGERALD. Then I yield three minutes to the gentleman from New York [Mr. LESSLER].

Mr. LESSLER. Mr. Speaker, the pigeonholes of the committee upon which I have the honor to be are filled with two classes of bills. One is for men who have been thrown out of one branch of this Government's armed force who desire to override the decision of the officers who tried them and threw them out and to get back through Congressional aid, and the other is a set of bills to either promote men, give them more pay, or give them medals for doing their duty. Now, I am glad that the gentleman from Indiana [Mr. STEELE] spoke about the men who, during the Spanish-American war, did not have the opportunity to go to the front, but wore their uniforms and did the heroic work of sticking to the desk and looking after the feeding and the clothing and the other hard, strenuous work that men do not care to do and for which men do not get medals on the field of battle.

I think when we take up a bill of this kind that we ought to think of the other members of the corps, who have nobody here to protest in their behalf and who for the Government did the best that was in them, instead of shirking and not giving them anything, especially awards of merit by act of Congress. Congress has provided ways of recognizing ability. Congress and the people have enacted laws by which men are recognized when they do a great and good work for the Government. The men who are doing the everyday work, the humble work, a full day's

conscientious work, ought not to be thrown aside by a bill of this kind. I hope the bill will not pass.

Mr. STEELE. I want to explain that I was not talking in behalf of the gentlemen particularly who are at their desks, but in behalf of those officers who had to do duty on the frontier, do routine duty, while others had the opportunity of distinguishing themselves.

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to have the gentleman from Texas yield me three minutes of his time, for I think what I shall say will be in the interest of the public service, so that it will not militate against him seriously.

Mr. HAY. The gentleman from Texas has agreed to yield to me the balance of his time, and I could not yield to the gentleman from Indiana to make a speech against the bill.

Mr. ROBINSON of Indiana. I did not know that the gentleman from Texas had yielded his time. Mr. Speaker, I simply rose for the purpose of saying that it has come to this pass. After all the charges for hours by the Republican side of this House that we were obstructing legislation of great and national importance we come to this proposition at this time as the business before this House and before the country for needed legislation.

Have we not had emphasized to us as clear as noonday that there is no public legislation of vital importance that is obstructed by the Democratic side of the House in their efforts to have orderly procedure guide us in the transaction of public business in this body? [Applause on the Democratic side.] Here we have division on this side and division on the other side about this question which is of no public significance. Why does not the Republican side present the great measures that they say we have obstructed? Now, this shows the futility of your censure of us for asking that this House of Representatives do business in an orderly way under the rules that the majority in their tyranny have fastened as a yoke upon our necks. This case you can not say is of public importance. No; it is a special matter, an individual matter, which gives undue preferentiality to one officer against others equally deserving; a matter that militates against some of the best officers of the service by giving preference to another. This is the pretty pass that the House of Representatives is driven to after the great parade made by the Republicans that the Democrats were obstructing legislation. Willingly we leave the decision to the country. [Applause on the Democratic side.]

Mr. SLAYDEN. I yield the residue of my time to the gentleman from Virginia [Mr. HAY].

Mr. HAY. I have sixteen minutes, I believe, Mr. Speaker. I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. FITZGERALD. I rise to a parliamentary inquiry. I wish to know whether one gentleman is to use the residue of the time on the affirmative side. That was the information furnished on the floor.

Mr. HAY. The gentleman from New York [Mr. FITZGERALD] asked, I believe, whether we were going to close in a single speech, and I understand that my friend from Texas [Mr. SLAYDEN] answered in the affirmative.

Mr. SLAYDEN. I did not then know anything about any arrangement between the gentleman from Virginia and the gentleman from New York.

Mr. HAY. In order to carry out in good faith that agreement with the gentleman from New York [Mr. FITZGERALD] I can not yield to the gentleman from New Jersey.

Mr. FITZGERALD. If another arrangement has been made I shall not object, but my impression was—I say it in all fairness—that ordinarily one gentleman should close.

Mr. SLAYDEN. I want to say to the gentleman from New York that when I made the statement to him I had no knowledge that any other gentleman wanted to say anything about this question except my friend from Virginia. I expected that the debate would close in five minutes.

Mr. FITZGERALD. I will not object.

Mr. SLAYDEN. I yield the residue of my time to the gentleman from Virginia.

Mr. HAY. I yield to the gentleman from New Jersey [Mr. PARKER] for five minutes.

Mr. PARKER. Mr. Speaker, during the years that I have served upon the Committee on Military Affairs I have been invincibly opposed to special bills for the promotion of officers of the Army unless they were recommended by the Executive. To allow officers to come here on their own behalf—to work for themselves for promotion by act of Congress—or, if they do not come themselves, to get their friends to procure such action, would demoralize any military service in the world. On the other hand, to interfere with or restrict the right and duty of the

Executive to recognize distinguished, extraordinary, and valuable services to the country by recommending to Congress special officers to be rewarded for such extraordinary service, would be to take away from the Army one great incentive to special zeal and efficiency in that service.

The precedents for such action as is here proposed are numerous. We made General Grant a general because it was recommended by the Chief Executive and was demanded by the whole nation. In this case two American doctors—Dr. Reed and Dr. Gorgas—performed such extraordinary service in stamping out the yellow fever from its own home, and protecting our soil from its inroads and its dangers, that the Secretary of War and, I believe, the President, recommended that special promotion should be granted by act of Congress to both of these gentlemen.

We are told that there is no haste; that a measure of this kind ought not to be brought in at this time. Sir, one of those men is dead, and his widow has been seeking a pension. The other man to whom the country owes the service which resulted in such extraordinary and valuable results is still alive. The Executive, the Commander in Chief, the one with whom such honor should originate, has, through the Secretary of War, recommended some small reward to be accorded by Congress for this distinguished service. We desire efficiency in that corps—a corps that is called upon at times to do work just as dangerous as that performed in battle. We are asked to recognize and reward service in averting what may be more to be dreaded than war—"the pestilence that walks in darkness." If we desire zeal and efficiency in the service of this corps, let us not turn our backs upon the recommendation of him who in his seat as Commander in Chief of our Army and Navy is trying to give to this country the best service that it has ever known.

Mr. HAY. Mr. Speaker, it may be true, as has been said by the gentleman from Indiana [Mr. STEELE], that it is bad practice and bad precedent to legislate in this way for officers of the Army generally. But those who are acquainted with the make-up of the Army know that the scientific corps, the Medical Corps, of the Army have had, and will continue to have, very little opportunity for promotion of those men who have distinguished themselves. Major Gorgas has distinguished himself, according to the Secretary of War and according to the Surgeon-General, by "extraordinary service" in ridding the island of Cuba of yellow fever; and the brilliant character of this scientific achievement can not be better stated than in the words of this report. And I desire, gentlemen of the House, to mark that Major Gorgas and Major Reed are spoken of alike in the recognition of this great achievement.

I pause here to say that no greater achievement for the human race has ever happened than the discovery of Major Reed, aided by Major Gorgas, in finding out how the yellow fever is propagated and how its ravages may be aborted. It ought to be esteemed by members of this House a proud privilege to recognize the services of men who have cooperated in bringing about a great and wonderful achievement in medicine, unequalled since the days of Jenner, when he discovered vaccination as a preventive for smallpox.

A MEMBER. Even greater than that.

Mr. FITZGERALD. Let me ask the gentleman a question: Does the gentleman believe that Congress in rewarding Major Gorgas would do an act of injustice to men who, under Major Gorgas, conducted these operations?

Mr. HAY. I do not believe that Congress ought to do an injustice to any man; but I believe it should do justice to the men who carried this matter to a successful conclusion. For my part, I have never heard that Lieutenant-Colonel Havard had anything specially to do with this question of yellow fever. I do not wish to do him the least injustice. I am willing to accord to him all the praise and all the glory which he may have acquired; but I do say that when the Senate of the United States has been able to pass this bill without a dissenting voice, the representatives of the people, who are in touch with the people, ought to be able to meet them on common ground. I say that this great discovery has not only saved the lives of thousands of people, and will save the lives of thousands of people yet to come, but it has opened the ports of this country and will keep them open for all time to come. The scourge of yellow fever will nevermore lay its hand upon the people of the United States, and that great boon is due to the labors and the work of these men. I ask of you, my fellow-members on this floor, to accord to Major Gorgas the meed of praise and honor which he has achieved and which is recognized to be due to him by the scientific world as well as by his superior officers. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds—

Mr. FITZGERALD. Mr. Speaker, I demand a division.

Mr. HAY. I make the point of order that the gentleman's demand for a division comes too late.

Mr. FITZGERALD. The Chair has made no announcement and I am entitled to know what the announcement of the Chair is before I demand a division.

The SPEAKER. The Chair would dislike to shut the gentleman off. The gentleman demands a division.

The House divided; and there were—ayes 63, noes 11.

Mr. BENTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 26, answered "present" 45, not voting 144; as follows:

YEAS—134.

Adams,	Dwight,	Kyle,	Rucker,
Alexander,	Esch,	Lacey,	Russell,
Allen, Me.	Feely,	Lester,	Schirm,
Aplin,	Finley,	Lever,	Shattuc,
Bankhead,	Flanagan,	Lindsay,	Sheppard,
Bartholdt,	Fletcher,	Livingston,	Sibley,
Bartlett,	Flood,	Long,	Sims,
Bates,	Gaines, W. Va.	McAndrews,	Slayden,
Beidler,	Gardner, Mass.	McLachlan,	Small,
Benton,	Gardner, Mich.	Maddox,	Smith, Iowa,
Bilmeier,	Gardner, N. J.	Mahoney,	Smith, S. W.
Blackburn,	Gibson,	Marshall,	Snodgrass,
Brick,	Gooch,	Martin,	Southard,
Bull,	Gordon,	Maynard,	Stark,
Burke, S. Dak.	Graff,	Miers, Ind.	Stevens, Minn.
Burkett,	Greene, Mass.	Miller,	Sulloway,
Burleigh,	Griggs,	Minor,	Swanson,
Burleson,	Haskins,	Mondell,	Tawney,
Candler,	Haugen,	Moody,	Tirrell,
Capron,	Hay,	Moon,	Trinable,
Clark,	Hedge,	Morgan,	Underwood,
Clayton,	Hitt,	Morris,	Vandiver,
Connell,	Howard,	Mudd,	Vreeland,
Cooper, Wis.	Howell,	Mutchler,	Wagoner,
Corliss,	Hull,	Needham,	Warner,
Cowherd,	Irwin,	Otjen,	White,
Cramer,	Jack,	Padgett,	Williams, Ill.
Cromer,	Jackson, Md.	Parker,	Williams, Miss.
Crowley,	Jenkins,	Powers, Me.	Woods,
Crumpacker,	Johnson,	Randall, Tex.	Wright,
Cushman,	Jones, Va.	Reeves,	Young,
Davis, Fla.	Jones, Wash.	Richardson, Tenn.	Zenor.
Dinsmore,	Ketcham,	Robb,	
Dovenor,	Klutz,	Roberts,	

NAYS—26.

Bishop,	Fowler,	Loving,	Shackleford,
Brandeggee,	Kitchen, Wm. W.	McClellan,	Smith, H. C.
Cassingham,	Lessler,	Mann,	Steele,
Dalzell,	Lewis, Pa.	Mercer,	Stewart, N. Y.
Darragh,	Littlefield,	Reeder,	Sulzer.
Driscoll,	Loud,	Robinson, Ind.	
Fitzgerald,	Loudenslager,	Ryan,	

ANSWERED "PRESENT"—45.

Adamson,	Currier,	Hill,	Powers, Mass.
Barney,	Davidson,	Holliday,	Prince,
Boutell,	De Armond,	Joy,	Scott,
Brown,	Draper,	Kahn,	Sherman,
Burgess,	Emerson,	Knapp,	Showalter,
Burk, Pa.	Foster, Vt.	McClary,	Smith, Ill.
Burton,	Gillet, N. Y.	Mahon,	Southwick,
Cannon,	Gillett, Mass.	Metcalf,	Sperry,
Cassel,	Hamilton,	Olmsted,	Warnock.
Conner,	Hanbury,	Palmer,	
Coombs,	Hemenway,	Patterson, Pa.	
Cousins,	Henry, Conn.	Payne,	

NOT VOTING—146.

Acheson,	Edwards,	Lassiter,	Selby,
Allen, Ky.	Elliott,	Latimer,	Shallfroth,
Babcock,	Evans,	Lawrence,	Shallenberger,
Bail, Del.	Fleming,	Lewis, Ga.	Shelden,
Bail, Tex.	Foerderer,	Littauer,	Skiles,
Beil,	Fordney,	Little,	Smith, Ky.
Bellamy,	Foss,	Lloyd,	Smith, Wm. Alden
Belmont,	Foster, Ill.	McCall,	Snook,
Bingham,	Fox,	McCulloch,	Sparkman,
Blakeney,	Gaines, Tenn.	McDermott,	Spight,
Boreing,	Gilbert,	McLain,	Stephens, Tex.
Bowersock,	Gill,	McRae,	Stewart, N. J.
Bowie,	Glass,	Meyer, La.	Storm,
Brantley,	Glenn,	Mickey,	Sutherland,
Breazeale,	Goldfogle,	Morrell,	Swann,
Bristow,	Graham,	Moss,	Talbert,
Bromwell,	Green, Pa.	Napfen,	Tate,
Broussard,	Griffith,	Neville,	Taylor, Ohio
Brownlow,	Grosvenor,	Nevin,	Taylor, Ala.
Brundidge,	Grow,	Newlands,	Thayer,
Burnett,	Heatwole,	Norton,	Thomas, Iowa
Butler,	Henry, Miss.	Overstreet,	Thomas, N. C.
Calderhead,	Henry, Tex.	Patterson, Tenn.	Thompson,
Caldwell,	Hepburn,	Pearre,	Tompkins, N. Y.
Cochran,	Hildebrandt,	Perkins,	Tompkins, Ohio
Conry,	Hooker,	Pierce,	Van Voorhis,
Cooney,	Hopkins,	Pou,	Wachter,
Cooper, Tex.	Hughes,	Pugsley,	Wadsworth,
Curtis,	Jackson, Kans.	Ransdell, La.	Wanger,
Dahle,	Jett,	Reid,	Watson,
Davey, La.	Kehoe,	Rhea,	Weeks,
Dayton,	Kern,	Richardson, Ala.	Wheeler,
Deemer,	Kitchin, Claude	Rixey, s	Wiley,
Dick,	Kleberg,	Robert on, La.	Wilson,
Dougherty,	Knox,	Robinson, Nebr.	Wooten.
Douglas,	Lamb,	Ruppert,	
Eddy,	Landis,	Scarborough,	

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSTER of Vermont with Mr. POT.

Mr. HOPKINS with Mr. SMITH of Kentucky.

Mr. HEATWOLE with Mr. TATE.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

Mr. HUGHES with Mr. BOWIE.

Mr. SCHIRM with Mr. CLAUDE KITCHIN.

Mr. COUSINS with Mr. DINSMORE.

Mr. BALL of Delaware with Mr. LEWIS of Georgia.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. WANGER with Mr. ADAMSON.

Mr. SHELDEN with Mr. RHEA.

On this vote:

Mr. KNAPP with Mr. SNOOK.

Mr. FORDNEY with Mr. GAINES of Tennessee.

Mr. DOUGLAS with Mr. PUGSLEY.

Mr. ALLEN of Maine with Mr. LAMB.

Mr. APLIN with Mr. JETT.

Mr. DAVIDSON with Mr. WILEY.

Mr. ACHESON with Mr. LITTLE.

Mr. HENRY of Connecticut. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. HENRY of Connecticut. I am not quite certain whether I was or not. I came in at the door about that time.

The SPEAKER pro tempore. Under the gentleman's statement the Chair does not think he is entitled to vote.

BENJAMIN FRANKLIN HANDFORTH.

Mr. GARDNER of New Jersey. Mr. Speaker, I move that the rules be suspended and that the bill (S. 4641) for the relief of Benjamin Franklin Handforth be passed.

The bill was read, as follows:

Be it enacted, etc. That the President is hereby authorized to appoint a retiring board, which shall have power, notwithstanding the record and sentence of court-martial, dated December 7, 1887, to review the case of former Lieut. Benjamin F. Handforth, from his admission as a cadet at the Military Academy to the date of his dismissal from the Army, with the view of determining whether his present insanity existed at the time of such dismissal or is due or traceable to service origin. The board shall have power also to take into consideration the facts and circumstances of his present insanity in whatever bearing they may legitimately have upon the subject of inquiry. In the event said board shall find that said insanity existed at the time of such dismissal or is due or traceable to service origin, the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint the said Benjamin Franklin Handforth to the rank in the Army held by him at the date of his dismissal, and to retire him with such rank, the retired list being increased in number to that extent.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill which has just been read by the Clerk.

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. GARDNER of New Jersey. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore appointed as tellers Mr. GARDNER of New Jersey and Mr. RICHARDSON of Tennessee.

The House divided; and there were—ayes 71, noes 1.

Accordingly a second was ordered.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized to control the time in the affirmative and the gentleman from Tennessee [Mr. RICHARDSON] in the negative.

Mr. GARDNER of New Jersey. Mr. Speaker, this bill does nothing of itself or arbitrarily. It provides for the convening of a retiring board to determine either of two facts: First, whether Lieutenant Handforth was insane when he was dismissed from the Army; or, second, whether his present insanity is traceable to his military service.

The case in a nut shell is this: Handforth was appointed from the State of New Jersey. He graduated at West Point. He served many years as an officer in the United States Army, doing faithful and efficient service. In about 1887 he began to act in a very eccentric manner. He was tried by court-martial for conduct unbecoming an officer and a gentleman, refused to make any defense, and of course was convicted.

When his case was taken before the President he did the unusual thing to write a letter to the President, asking that the findings of the court-martial be approved. He went out over the country and was immediately discovered to be an insane man, and has been from then until now almost continuously confined in some insane asylum. He is now in the Illinois Asylum for Insane Criminals, because his people are not able to keep him in any better place, and the physician in charge of that asylum, whose letter is appended to this report, and which may be read if desired, states that he is satisfied that the patient was insane when he was dismissed from the Army.

It is a fact in the case that has no relation to the present matter that the man is really in the late stages of consumption. Now, all that is asked is that a board of inquiry shall be convened to determine, first, whether he was insane at the time of the conduct for which he was dismissed; second, whether his present insanity is traceable to his military service. If these facts are determined in his favor by the board, then the President is authorized to put him on the retired list, otherwise nothing can be done. It is an eminently fair bill. It has the approval, in so far as I know, of everybody who has had any contact with the case. Now, the opening sentence of the report of the Committee on Military Affairs is: "This case is a sad and exceptional one."

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demanded a second on this bill which under the rules gives me the right to control the time in opposition to it. I did not fully understand the bill and I could not hear it read distinctly from the desk. I have now examined the bill and report and I do not desire to take up the time of the House in opposing the bill. If there is any gentleman here who desires to oppose it I will yield him time; and if not—that is, if no gentleman desires to take the floor in opposition to the bill—I only wish to add that I think that this unfortunate man ought to have the relief asked for in the bill. I believe it right, and I am so desirous of doing him full justice that I consent that a vote be taken, and I will ask that it be a record vote by the yeas and nays, in order that we may all go on record in favor of this meritorious bill. [Laughter.]

Mr. SULZER. I would like to say to the gentleman—

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. SULZER. Mr. Speaker, just a word. I want to say to the gentleman from Tennessee—

Mr. RICHARDSON of Tennessee. I yield.

Mr. SULZER. That I am in favor of this bill; but I have another bill, somewhat similar, on the Speaker's desk—a privileged bill—and I would like to know how it is that the gentleman from New Jersey is recognized to pass his bill and I am not recognized to pass my bill. [Laughter.]

Mr. RICHARDSON of Tennessee. Is he also insane?

Mr. SULZER. Oh, no; my friend is not insane, but he may go insane if this bill does not pass. [Laughter.] I hope that this bill will pass, and that I will also get a chance to pass my bill. That is all I want to say now.

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. RICHARDSON of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nay 1, answered "present" 23, not voting 149; as follows:

YEAS—178.

Adams,	Feely,	Latimer,	Robb,
Adamson,	Finley,	Lessler,	Roberts,
Alexander,	Fitzgerald,	Lester,	Robinson, Ind.
Allen, Me.	Fletcher,	Lewis, Pa.	Rucker,
Applin,	Flood,	Lindsay,	Ryan,
Babcock,	Foerderer,	Littauer,	Scott,
Bankhead,	Foster, Vt.	Littlefield,	Selby,
Bartholdt,	Fowler,	Livingston,	Shackelford,
Bartlett,	Gaines, Tenn.	Lloyd,	Shattuc,
Bates,	Gaines, W. Va.	Loudenslager,	Sheppard,
Beidler,	Gardner, Mass.	McAndrews,	Showalter,
Boreing,	Gardner, Mich.	McCleary,	Sibley,
Brick,	Gardner, N. J.	McClellan,	Sims,
Bristow,	Gibson,	McLachlan,	Smith, Ill.
Burk, Pa.	Gillet, N. Y.	McLain,	Smith, Iowa
Burke, S. Dak.	Gooch,	Maddox,	Smith, H. C.
Burkett,	Gordon,	Mahon,	Smith, S. W.
Burleigh,	Graft,	Mahoney,	Snodgrass,
Burleson,	Greene, Mass.	Marshall,	Southwick,
Burton,	Grosvenor,	Martin,	Sperry,
Butler,	Grosvenor,	Mercer,	Stark,
Calderhead,	Hamilton,	Mickey,	Stevens, Minn.
Candler,	Hanbury,	Miers, Ind.	Stewart, N. Y.
Cannon,	Haskins,	Miller,	Sulloway,
Capron,	Haugen,	Minor,	Sulzer,
Clark,	Hay,	Mondell,	Sutherland,
Clayton,	Hedge,	Moody,	Swanson,
Connell,	Henry, Conn.	Moon,	Tawney,
Conner,	Hepburn,	Morgan,	Tirrell,
Cooper, Wis.	Hill,	Mudd,	Trimble,
Corliss,	Howard,	Mutchler,	Van Voorhis,
Cromer,	Howell,	Needham,	Vreeland,
Crumpacker,	Hull,	Nevin,	Wachter,
Currier,	Irwin,	Olmsted,	Wagoner,
Cushman,	Jack,	Otjen,	Wanger,
Dalzell,	Jenkins,	Padgett,	Warner,
Darragh,	Johnson,	Palmer,	Warnock,
Davidson,	Jones, Va.	Parker,	White,
De Armond,	Kern,	Powers, Mo.	Williams, Ill.
Dougherty,	Kitchin, Wm. W.	Powers, Mass.	Woods,
Dovener,	Klutz,	Pugsley,	Wright,
Draper,	Knapp,	Reeder,	Young,
Dwright,	Kyle,	Reeves,	Zenor.
Eddy,	Lacey,	Richardson, Ala.	
Esch,	Lamb,	Richardson, Tenn.	

NAY—1.

Bishop.

ANSWERED "PRESENT"—23.

Barney,	Cowherd,	McRae,	Sherman,
Boutell,	Gillett, Mass.	Mann,	Slayden,
Brandegge,	Graham,	Metcalf,	Steele,
Brown,	Holliday,	Moss,	Stephens, Tex.
Cassel,	Joy,	Patterson, Pa.	Underwood.
Cousins,	Kitchin, Claude	Payne,	

NOT VOTING—149.

Acheson,	Dick,	Kleberg,	Scarborough,
Allen, Ky.	Dinsmore,	Knox,	Schirm,
Ball, Del.	Douglas,	Landis,	Shafroth,
Ball, Tex.	Driscoll,	Lassiter,	Shallenberger,
Bell,	Edwards,	Lawrence,	Shelden,
Bellamy,	Elliott,	Lever,	Skiles,
Belmont,	Emerson,	Lewis, Ga.	Small,
Benton,	Evans,	Little,	Smith, Ky.
Billmeyer,	Flanagan,	Long,	Smith, Wm. Alden
Bingham,	Fleming,	Loud,	Snook,
Blackburn,	Fordney,	Lovering,	Southard,
Blakeney,	Foss,	McCall,	Sparkman,
Bowersock,	Foster, Ill.	McCulloch,	Spight,
Bowie,	Fox,	McDermott,	Stewart, N. J.
Brantley,	Gilbert,	Maynard,	Storm,
Breezeale,	Gill,	Meyer, La.	Swann,
Bromwell,	Glass,	Morrell,	Talbert,
Broussard,	Glenn,	Morris,	Tate,
Brownlow,	Goldfogle,	Naphe,	Taylor, Ohio
Brundidge,	Green, Pa.	Neville,	Taylor, Ala.
Bull,	Griffith,	Newlands,	Thayer,
Burgess,	Grow,	Norton,	Thomas, Iowa
Burnett,	Heatwole,	Overstreet,	Thomas, N. C.
Caldwell,	Hemenway,	Patterson, Tenn.	Tompson,
Cassingham,	Henry, Miss.	Pearre,	Tompkins, N. Y.
Cochran,	Henry, Tex.	Perkins,	Tompkins, Ohio
Conry,	Hildebrand,	Pierce,	Wadsworth,
Coombs,	Hitt,	Pou,	Watson,
Cooney,	Hooker,	Prince,	Weeks,
Cooper, Tex.	Hopkins,	Randell, Tex.	Wheeler,
Creamer,	Hughes,	Randell, La.	Wiley,
Crowley,	Jackson, Kans.	Reid,	Williams, Miss.
Curtis,	Jackson, Md.	Rhea,	Wilson,
Dahle,	Jett,	Rixey,	Wooten.
Davey, La.	Jones, Wash.	Robertson, La.	
Davis, Fla.	Kahn,	Robinson, Nebr.	
Dayton,	Kehoe,	Ruppert,	
Deemer,	Ketcham,	Russell,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. BOWERSOCK with Mr. COONEY.

Mr. BULL with Mr. RUSSELL.

Mr. THOMAS of Iowa with Mr. SLAYDEN.

On this vote:

Mr. WACHTER with Mr. POU.

Mr. JACKSON of Kansas. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. JACKSON of Kansas. No; some one spoke to me and my attention was attracted for the moment.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

H. R. 17493. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8186. An act for the relief of John D. Chadwick;

H. R. 6745. An act for the relief of Anthony R. Ravenscroft;

H. R. 6703. An act for the relief of George A. Rogers; and

H. R. 16138. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

GENERAL DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, with Senate amendments, which the Clerk will report.

The Clerk read the Senate amendments at length.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

The question was taken; and the Chair announced that the yeas had it.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask for a division.

Mr. PAYNE. Well, Mr. Speaker, we might as well have the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 0, answered "present" 16, not voting 138; as follows:

YEAS—197.

Alexander,	Eddy,	Lessler,	Scott,
Allen, Me.	Elliott,	Lester,	Selby,
Applin,	Esch,	Lever,	Shackelford,
Babcock,	Feely,	Lewis, Pa.	Shattuc,
Bankhead,	Finley,	Lindsay,	Sheppard,
Barney,	Fitzgerald,	Littauer,	Showalter,
Bartholdt,	Flanagan,	Littlefield,	Sibley,
Bartlett,	Fletcher,	Lloyd,	Sims,
Bates,	Flood,	Long,	Slayden,
Beidler,	Foerderer,	Loudenslager,	Small,
Bishop,	Gaines, Tenn.	Lovering,	Smith, Ill.
Boreing,	Gaines, W. Va.	McAndrews,	Smith, Iowa
Bowersock,	Gardner, Mass.	McCleary,	Smith, H. C.
Brandeggee,	Gardner, Mich.	McClellan,	Smith, H. C.
Brick,	Gardner, N. J.	McLachlan,	Snodgrass,
Bristow,	Gibson,	McLain,	Southard,
Brown,	Gillet, N. Y.	McRae,	Southwick,
Burk, Pa.	Gooch,	Maddox,	Sperry,
Burke, S. Dak.	Gordon,	Mahon,	Stark,
Burkett,	Graft,	Mahony,	Steele,
Burleigh,	Greene, Mass.	Marshall,	Stevens, Minn.
Burton,	Grosvenor,	Martin,	Stewart, N. Y.
Butler,	Hamilton,	Mercer,	Sulloway,
Calderhead,	Haskins,	Miers, Ind.	Sulzer,
Caldwell,	Haugen,	Mondell,	Sutherland,
Candler,	Hay,	Moody,	Swanson,
Cannon,	Heatwole,	Morrell,	Tate,
Capron,	Hedge,	Morris,	Tawney,
Cassel,	Hemenway,	Moss,	Thomas, N. C.
Clark,	Henry, Conn.	Mudd,	Tirrell,
Clayton,	Hepburn,	Mutcher,	Tompkins, N. Y.
Connell,	Hill,	Needham,	Trimble,
Conner,	Hitt,	Nevin,	Underwood,
Cooper, Tex.	Holliday,	Olmsted,	Van Voorhis,
Cooper, Wis.	Howard,	Otjen,	Vreeland,
Corliss,	Hull,	Padgett,	Wachter,
Cowherd,	Irwin,	Palmer,	Wadsworth,
Cromer,	Jack,	Parker,	Wagoner,
Crumacker,	Jack,	Payne,	Warner,
Currier,	Jackson, Kans.	Perkins,	Warnock,
Cushman,	Johnson,	Powers, Me.	White,
Dalzell,	Jones, Va.	Reeder,	Williams, Ill.
Darragh,	Kahn,	Reeves,	Woods,
Davidson,	Kitchin, Wm. W.	Richardson, Tenn.	Wright,
De Armond,	Kluttz,	Robb,	Young,
Dougherty,	Knapp,	Roberts,	Zenor.
Dovener,	Kyle,	Robinson, Ind.	
Draper,	Lacey,	Rucker,	
Driscoll,	Lamb,	Ryan,	
Dwight,	Latimer,		

NAYS—0.

ANSWERED "PRESENT"—16.

Boutell,	Emerson,	Gillett, Mass.	Mann,
Burgess,	Foster, Vt.	Joy,	Miller,
Cassingham,	Fowler,	Kitchin, Claude	Richardson, Ala.
Cousins,	Gilbert,	Little,	Sherman.

NOT VOTING—138.

Acheson,	Deemer,	Knox,	Robinson, Nebr.
Adams,	Dick,	Landis,	Ruppert,
Adamsen,	Dinsmore,	Lassiter,	Russell,
Allen, Ky.	Douglas,	Lawrence,	Scarborough,
Ball, Del.	Edwards,	Lewis, Ga.	Schirm,
Ball, Tex.	Evans,	Livingston,	Shafroth,
Bell,	Fleming,	Loud,	Shallenberger,
Bellamy,	Fordney,	McCall,	Shelden,
Belmont,	Foss,	McCulloch,	Skiles,
Benton,	Foster, Ill.	McDermott,	Smith, Ky.
Billmeyer,	Fox,	Maynard,	Smith, Wm. Alden
Bingham,	Gill,	Metcalf,	Snook,
Blackburn,	Glass,	Meyer, La.	Sparkman,
Blakeney,	Glenn,	Mickey,	Spight,
Bowie,	Goldfogle,	Minor,	Stephens, Tex.
Brantley,	Graham,	Moon,	Stewart, N. J.
Breazale,	Green, Pa.	Morgan,	Storm,
Bromwell,	Griffith,	Naphen,	Swann,
Broussard,	Griggs,	Neville,	Talbert,
Brownlow,	Grow,	Newlands,	Taylor, Ohio
Brundidge,	Hanbury,	Norton,	Taylor, Ala.
Bull,	Henry, Miss.	Overstreet,	Thayer,
Burleson,	Henry, Tex.	Patterson, Pa.	Thomas, Iowa
Burnett,	Hildebrandt,	Patterson, Tenn.	Thompson,
Cochran,	Hooker,	Pearre,	Tompkins, Ohio
Conry,	Hopkins,	Pierce,	Vandiver,
Coombs,	Howell,	Pou,	Watson,
Cooney,	Hughes,	Prince,	Weeks,
Creamer,	Jackson, Md.	Pugsley,	Wheeler,
Crowley,	Jett,	Randell, Tex.	Wiley,
Curtis,	Jones, Wash.	Randsell, La.	Williams, Miss.
Dahla,	Kehoe,	Reid,	Wilson,
Davey, La.	Kern,	Rhea,	Wooten.
Davis, Fla.	Ketcham,	Rixey,	
Dayton,	Kleberg,	Robertson, La.	

So the House disagreed to the amendments of the Senate and agreed to ask a conference with the Senate.

The following additional pairs were announced:

For the rest of the day:

Mr. MANN with Mr. JETT.

Mr. FOSTER of Vermont with Mr. POU.

The result of the vote was announced as above stated.

The SPEAKER announced the appointment of Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON as conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7361. An act for the relief of C. W. Colehour; and

H. R. 1517. An act for the relief of Robert Brigham.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 7659. An act to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States," and for other purposes;

H. R. 12199. An act to regulate the immigration of aliens into the United States; and

H. R. 16910. An act making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1904.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7285. An act authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine fishery interests of the region; and

S. 7283. An act to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1903:

H. R. 1027. An act granting a pension to Lavinia Cook;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I present a conference report on the Post-Office appropriation bill, with the accompanying statement of the House conferees.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16900) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 7, 8, 9, 17, 21, 22, 23, 32, 33, 35, 36, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 14, 20, 23, 24, 25, 28, 29, 34, 37, 38, 39, and 40, and agree to the same.

Change sections to number consecutively.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Page 2, line 11, after the word "officers," strike out the following: "one at \$3,500; 1 at New York, N. Y., \$4,000; 1 at Chicago, Ill., \$4,000," and insert in lieu thereof the following: "two at \$3,500. Provided, That the salary of the assistant postmaster at Chicago shall be fixed at \$3,500 per annum;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Page 2, line 24, strike out the amount named and insert in lieu thereof "\$94,100;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an

amendment as follows: Page 10, line 15, strike out the amount named and insert in lieu thereof the following: "one superintendent of money-order division, 1 superintendent of registry, 1 superintendent of mails, and 1 superintendent of delivery, at \$3,000 each, \$24,800;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Page 10, line 23, strike out the amount named and insert in lieu thereof the following: "\$13,900;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Page 12, lines 3 and 4, strike out the amount named and insert "\$250;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Page 12, line 4, after the word "dollars," strike out the amendment and insert in lieu thereof the following: "of which not more than \$190,000 shall be expended in rentals of machines: *Provided*, That no canceling machine shall be rented at an annual rental exceeding the rate now paid by the Department: *And provided further*, That the Postmaster-General shall, whenever in his opinion it is advisable, purchase canceling machines, and shall report fully to the next Congress in regard to said machines, whether they should be purchased or rented, all facts connected therewith, and what steps ought to be taken to protect the interests of the Government therein;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 14, line 13, strike out "ten" and insert "eight;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Page 14, lines 14 and 15, strike out the amount named and insert "nineteen thousand two hundred;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Page 16, line 8, strike out the amount named and insert "twenty-one thousand seven;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Page 17, line 22, strike out in the paragraph all after the word "Postmaster-General" and in lieu thereof insert the following: "\$2,000: *Provided*, That not exceeding \$200 of this amount appropriated may be used for necessary traveling expenses of the First Assistant Postmaster-General within the District of Columbia: *And provided further*, That a sum not exceeding \$300 may be used for the purchase of city directories and books of reference;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Page 23, line 24, after "four," strike out the paragraph and insert in lieu thereof the following: "compensation and expenses of United States delegate to the Universal Postal Congress to convene at Rome, Italy, not to exceed \$7,500;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Page 25, after line 8, strike out the matter inserted and insert the following: "For the employment of special counsel, to be appointed by the Attorney-General, when requested by the Postmaster-General, and at compensation to be fixed by the Attorney-General, not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post-Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, \$25,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Page 25, line 9, after the word "items," strike out the matter inserted and insert the following: "\$1,000: *Provided*, That not exceeding \$200 of this amount appropriated may be used for necessary traveling expenses of the Third Assistant Postmaster-General within the District of Columbia;" and the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.
WM. E. MASON,
BOIES PENROSE,
A. S. CLAY,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16900) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, as follows:

The Senate made 41 amendments to the bill, producing a total decrease of \$1,840,841.40. An increase of \$3,000 is made in the item of compensation to postmasters, \$1,500 for assistant postmasters, \$12,800 for superintendents of money-order, registry, mails, and delivery service, \$90,000 for canceling machines, \$7,200 for special agents in charge of rural free-delivery service, \$600 for a vehicle for the First Assistant Postmaster-General, \$1,000 for increase of salaries of superintendent and assistant superintendent of Railway Mail Service, \$25,000 for special counsel fees to defend suits pending in regard to the second-class mailing privilege, and \$58.60 for claims.

By the action of the conferees the Senate recedes from amendments involving a decrease of \$1,901,641.40.

By the action of the conferees the amount carried in this bill is increased \$71,500 above that carried in the bill at the time it passed the House.

The effect of the action of the conferees on amendment No. 1 reduces the amount \$3,000.

On amendment No. 2: An increase in the salary of the postmaster at Chicago from six to eight thousand dollars.

Amendment No. 3 increases the salary of the assistant postmaster at Chicago from \$3,000 to \$3,500.

Amendment No. 4 reduces the number of assistant postmasters at \$3,000 from 17 to 16. Amendment No. 5 corrects totals. Amendments 6, 7, 8, and 9 the Senate recedes. The effect of amendment No. 10 is to increase the salaries of the superintendent of money order, superintendent of registry, superintendent of mails, and superintendent of delivery from \$2,700 to \$3,000, and corrects the total in the amount appropriated. Amendment No. 11 corrects totals. The effect of the action of the conferees on amendment No. 12 is to increase the amount for canceling machines \$40,000 above amount allowed by the House and \$50,000 below that allowed by the Senate. The action of

the conferees on amendment No. 13 is to limit the amount which may be used for rental of canceling machines to \$190,000, and to provide that \$90,000 may be used in the discretion of the Postmaster-General for the purchase of canceling machines.

The effect of the action of the conferees on amendment No. 14 permits the use of automobiles. Upon amendment No. 15 the action of the conferees is to reduce the number of special agents in charge of divisions from 10, as provided by the Senate, to 8. Amendment No. 16 corrects total.

Amendment No. 17: The effect of the action of the conferees is to strike out the provision for the payment of tolls on toll roads. Amendment No. 18 corrects totals. Amendment No. 19 limits the amount of money the First Assistant Postmaster-General may expend for traveling expenses in the city of Washington to \$200 per annum. The effect of the action of the conferees upon amendment No. 20 is to provide \$300 per annum for hire of a vehicle in the First Assistant Postmaster-General's division. Upon amendments Nos. 21 and 22 the action of the conferees increases the amount of appropriation for railroad mail pay to the amount carried in the bill as it passed the House and removes the limitation that no deficiency shall be created.

The action of the conferees upon amendment No. 23 increases the salary of the General Superintendent of Railway-Mail Service to \$4,000, and No. 24 increases the salary of the assistant general superintendent to \$3,500.

Amendment No. 25 corrects a total.

The effect of the action of the conferees on amendment No. 26 is to strike out the proposed extension of special-facility service from Newton to Fort Scott, Kans. Upon amendment No. 27 the effect of the action of the conferees is to provide compensation and expenses of delegate to Universal Postal Congress at Rome. The action upon amendment No. 28 provides for the manufacture of books of stamps. On amendment No. 29 the action of the conferees makes permanent law the provision relating to the indemnity of \$100 for loss of first-class registered matter.

The action of the conferees on amendment No. 30 allows the employment of special counsel to defend the Government in suits relating to second-class mail privileges, and appropriates \$25,000 for such purpose. Upon amendment No. 31, the action of the conferees limits the expenditure of the Third Assistant Postmaster-General for traveling expenses in the city of Washington to \$200. The effect upon amendments No. 32 and 33 is to strike out of the bill two private claims. Upon amendment No. 34 the effect is to strike out the provision relating to mailing of third and fourth class matter without affixing postage stamps.

The effect of the action of the conferees upon amendments 35 and 36 is to leave the provision in the bill as it passed the House relating to punishment of persons for interference with railway mail clerks while on duty, and strikes out the provision of the Senate relating to the same matter. Amendments 37, 38, and 39 correct the numbers of sections. The effect of the action of the conferees upon amendment No. 40 is to permit the sender of third and fourth class mail matter to receive personally or by order undelivered matter. Upon amendment No. 41 the action of the conferees strikes out the Senate provision relating to registration of public documents by members of Congress.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

Mr. LOUD. Mr. Speaker, the statement just read very clearly sets forth everything contained in these amendments. The Senate at this session has made very few amendments that were of any importance on this bill. The only amendments remaining as presented to the House by the conferees are some few relating to increase of salaries. There is an increase of the salary of the postmaster at Chicago from \$6,000 to \$8,000; there is an increase of the salary of the superintendents at Chicago from \$2,700 to \$3,000; there is an increase of the salary of the General Superintendent of the Railway Mail Service from \$3,500 to \$4,000.

While the House conferees did not like to assent to these increases of salary, large as the salaries now are, yet, after the example had been set by our great Appropriations Committee in increasing the salaries of some of the officers in charge of divisions in the Post-Office Department, we could not possibly stop it. When you have once established the principle of increasing to a certain amount the salary of a division superintendent, then you can not stop until you have gone down along the whole line. But I want the House to understand, and the Committee on Appropriations to understand, that they first set this precedent of increasing the salaries of division superintendents, or gentlemen in charge of divisions, from \$3,500 to \$4,000.

The Senate did adopt, without discussion, an amendment in relation to railroad mail pay, cutting it down something like \$2,000,000. Then on the floor of the Senate there was put on a provision that there should be no deficiency created. When we got into conference it was discovered that the amendment had not been properly matured, so the Senate receded.

The bill carries about \$75,000 more than when it passed the House. The conferees are, I think, well satisfied with the result of their labors.

Mr. SNODGRASS. Mr. Speaker, I should like to occupy a few minutes.

Mr. LOUD. I believe I am limited to ten minutes. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore (Mr. SHERMAN). Four minutes; the gentleman has six minutes remaining.

Mr. LOUD. I would gladly yield five minutes of my six to the other side if they would enter into an agreement not to call the roll on the final passage of this bill.

Mr. CLAYTON. We can not do that.

Mr. LOUD. I yield the gentleman from Tennessee [Mr. SNODGRASS] one minute.

Mr. SNODGRASS. Mr. Speaker, I avail myself of these sixty seconds to inform the House that we have on the Calendar a bill to increase the pension of the old Mexican soldiers from \$8 to \$12 a month. A great many of us on this side of the House have been

working to have that bill reported; and we were rejoiced a few moments ago when the Chairman of the Committee on Pensions came over here and informed us that he expected to try to get that bill up. We are anxious that he should do that to-night.

We have spent days here, Mr. Speaker, in increasing the pensions of Federal soldiers; and to that I have made no objection. I believe in liberal pensions for the Federal soldiers.

[Here the hammer fell.]

Mr. SNODGRASS. I hope the gentleman will yield me another minute.

Mr. LOUD. I yield the gentleman one minute more.

Mr. SNODGRASS. Mr. Speaker, in this Congress and the last we have passed various bills to increase the pensions of Union soldiers; but we have forgotten the fact that more than half a century ago the Mexican soldiers rendered distinguished service to the country. Yet they have been discriminated against; nigardly provision for them has been made by this Government. The Mexican soldier receives now a pension of only \$8 a month; and in order to get any more he must subscribe to a pauper oath. As have other gentlemen, I have introduced bills both in this and the last Congress to remove these objectionable restrictions against their drawing pensions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SNODGRASS. Will the gentleman give me another minute?

Mr. LOUD. I have got to yield to my colleague on the committee. How much time have I remaining?

The SPEAKER pro tempore. Three and one-half minutes.

Mr. LOUD. I yield three minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. I will yield that to my colleague, if the gentleman will permit me.

Mr. LOUD. I have yielded all the time I have but half a minute.

Mr. MOON. Will the gentleman allow me to yield to my colleague the time he has given me?

Mr. LOUD. I do not care what the gentleman does with it.

Mr. MOON. I yield to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Now, Mr. Speaker, we want to appeal to this House to-night to pass that bill. We will stay here all night with you if you will pass that bill.

Several MEMBERS. Without a roll call?

Mr. SNODGRASS. I do not think that gentlemen ought to make that kind of a condition. We will give you three or a dozen roll calls if you will pass that bill. [Laughter.] We will sit with you from now until to-morrow morning. Gentlemen, I think this is a serious matter. I have appealed to my distinguished friend from Ohio who stands before me, and I believe I can say for him that he is heartily in favor of this bill. These old soldiers are rapidly passing to their graves, and if we ever expect to do anything for them that is to be of any benefit the time has come for us to do it.

Mr. CANNON. Will the gentleman ask to pass it by unanimous consent?

Mr. SNODGRASS. I would be glad to ask to pass it by unanimous consent.

Mr. LACEY. Then ask it and stop talking about it. Ask it.

Mr. SNODGRASS. Mr. Speaker, I will ask unanimous consent, if I can be recognized for that purpose, to take from the Calendar that bill.

The SPEAKER pro tempore. At the proper time the Chair will be glad to recognize the gentleman, but not now.

Mr. SNODGRASS. And I hope we can come to an agreement on this proposition. Now, Mr. Speaker, I think it is the duty of this House to pass this bill. I believe that the old Federal soldiers are heartily in favor of this. These old Mexican soldiers have not had anybody to—

Mr. HULL. As soon as this bill passes, ask unanimous consent and we will pass it without any roll call.

Mr. SNODGRASS. But, whether unanimous consent is given or not, for myself I would be glad to give it. I think this bill should be considered. It is the duty of this House to take up this bill and pass it. We have spent a few hours here to-night in passing private bills and that time might well have been employed in the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOUD. Mr. Speaker, I will endeavor to use the half minute in order to avoid moving the previous question.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question in reference to this bill?

Mr. LOUD. Certainly.

Mr. RICHARDSON of Tennessee. I only wanted to ask the gentleman if there is any change of existing law in this bill in respect to the payment of—

The SPEAKER pro tempore. The time of the gentleman has expired. [Laughter.]

Mr. RICHARDSON of Tennessee. I was going to ask in reference to tollgate charges for mail carriers on rural routes.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The House proceeded to divide.

Mr. LOUD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 2, answered "present" 14, not voting 145; as follows:

YEAS—190.

Alexander,	Driscoll,	Kyle,	Roberts,
Allen, Me.	Dwight,	Lacey,	Robinson, Ind.
Aplin,	Eddy,	Lamb,	Ryan,
Bankhead,	Esch,	Lessier,	Selby,
Bartholdt,	Feely,	Lester,	Shattuc,
Bartlett,	Finley,	Lever,	Showalter,
Bates,	Fitzgerald,	Lewis, Pa.	Sibley,
Beidler,	Flanagan,	Lindsay,	Sims,
Bishop,	Fletcher,	Littlefield,	Slayden,
Boreing,	Flood,	Livingston,	Smith, Ill.
Boutell,	Foerderer,	Lloyd,	Smith, H. C.
Bowersock,	Fowler,	Long,	Smith, S. W.
Brandegee,	Gaines, Tenn.	Loud,	Smith, Wm. Alden
Breazeale,	Gaines, W. Va.	Loudenslager,	Snodgrass,
Brick,	Gardner, Mass.	Lovering,	Southard,
Bristow,	Gardner, Mich.	McAndrews,	Sperry,
Brown,	Gardner, N. J.	McCleary,	Stark,
Burk, Pa.	Gibson,	McClellan,	Steele,
Burke, S. Dak.	Gillet, N. Y.	McLachlan,	Stevens, Minn.
Burkett,	Gooch,	McLain,	Stewart, N. Y.
Burleigh,	Gordon,	Maddox,	Sulloway,
Burleson,	Graft,	Marshall,	Sutherland,
Burton,	Green, Pa.	Martin,	Swanson,
Butler,	Greene, Mass.	Mercer,	Tate,
Calderhead,	Griggs,	Miers, Ind.	Tawney,
Caldwell,	Grosvenor,	Minor,	Taylor, Ohio
Candler,	Hamilton,	Mondell,	Thomas, N. C.
Cannon,	Hanbury,	Moody,	Tirrell,
Capron,	Haskins,	Moon,	Tompkins, N. Y.
Cassel,	Haugen,	Morrell,	Trimble,
Clark,	Hay,	Morris,	Underwood,
Clayton,	Hedge,	Mudd,	Van Voorhis,
Connell,	Henry, Conn.	Mutchler,	Vreeland,
Conner,	Hepburn,	Needham,	Wachter,
Cooper, Tex.	Hill,	Nevin,	Wadsworth,
Cooper, Wis.	Hitt,	Olmsted,	Wagoner,
Cornell,	Holliday,	Otjen,	Wanger,
Cousins,	Howard,	Padgett,	Warner,
Cowherd,	Hull,	Palmer,	Warnock,
Cromer,	Irwin,	Parker,	White,
Crumpacker,	Jack,	Payne,	Williams, Ill.
Curtis,	Jackson, Kans.	Perkins,	Williams, Miss.
Dalzell,	Jenkins,	Powers, Mass.	Woods,
Darragh,	Johnson,	Randell, Tex.	Wright,
De Armond,	Jones, Va.	Reeder,	Young,
Dougherty,	Kahn,	Reeves,	Zenor.
Dovener,	Kitchin, Wm. W.	Richardson, Tenn.	
Draper,	Knapp,	Robb,	

NAYS—2.

Russell,	Sheppard.
ANSWERED "PRESENT"—14.	
Burgess,	Foster, Vt.
Cassingham,	Gilbert,
Elliott,	Joy,
Emerson,	Kitchin, Claude
	Richardson, Ala.

NOT VOTING—145.

Acheson,	Deemer,	Landis,	Rucker,
Adams,	Dick,	Lassiter,	Ruppert,
Adamson,	Dinsmore,	Latimer,	Scarborough,
Allen, Ky.	Douglas,	Lawrence,	Schirm,
Babcock,	Edwards,	Lewis, Ga.	Scott,
Ball, Del.	Evans,	Littauer,	Shafroth,
Ball, Tex.	Fleming,	Little,	Shallenberger,
Barney,	Fordney,	McCall,	Shelden,
Bell,	Foss,	McCulloch,	Skiles,
Bellamy,	Foster, Ill.	McDermott,	Small,
Belmont,	Gill,	McRae,	Smith, Iowa
Benton,	Gillett, Mass.	Mahon,	Smith, Ky.
Billmeyer,	Glass,	Mahoney,	Snook,
Bingham,	Glenn,	Maynard,	Southwick,
Blackburn,	Goldfogle,	Metcalf,	Sparkman,
Blakeney,	Graham,	Meyer, La.	Spight,
Bowie,	Griffith,	Mickey,	Stephens, Tex.
Brantley,	Grow,	Morgan,	Stewart, N. J.
Bromwell,	Heatwole,	Moss,	Storm,
Broussard,	Hemenway,	Naphen,	Sulzer,
Brownlow,	Henry, Miss.	Neville,	Swann,
Brundidge,	Henry, Tex.	Newlands,	Talbert,
Bull,	Hildebrandt,	Norton,	Taylor, Ala.
Burnett,	Hooker,	Overstreet,	Thayer,
Cochran,	Hopkins,	Patterson, Pa.	Thomas, Iowa
Conry,	Hughes,	Patterson, Tenn.	Thompson,
Coombs,	Jackson, Md.	Pearre,	Tompkins, Ohio
Cooney,	Jett,	Pierce,	Vandiver,
Creamer,	Jones, Wash.	Pou,	Watson,
Crowley,	Kehoe,	Powers, Me.	Weeks,
Currier,	Kern,	Pugsley,	Wheeler,
Cushman,	Ketcham,	Ransdell, La.	Wiley,
Dahle,	Kleberg,	Reid,	Wilson,
Davey, La.	Kluttz,	Rexey,	Wooten.
Davidson,	Knox,	Robertson, La.	
Davis, Fla.		Robinson, Nebr.	
Dayton,			

So the conference report was agreed to.

The Clerk announced the following additional pairs:
Until further notice:

Mr. DAVIDSON with Mr. BRUNDIDGE.

Mr. BLACKBURN with Mr. BILLMEYER.

Mr. MOSS with Mr. ALLEN of Kentucky, for balance of evening.
The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate announced that that body had insisted upon its amendments to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to call up the conference report on the agricultural appropriation bill.

The SPEAKER pro tempore. The gentleman from New York calls up a conference report on the agricultural appropriation bill, which the Clerk will read.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to do away with the reading of the report, and let the statement be read.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to dispense with the reading of the conference report, and that the statement be read instead thereof. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 19, 20, 21, 22, 34, 37, 53, 54, 62, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 23, 24, 25, 26, 27, 29, 32, 35, 39, 40, 43, 44, 47, 48, 49, 50, 51, 52, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 84, and 85; and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,248,520;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$130,000;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$37,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out of said amendment "for the establishment in the State of California of experiment stations," and in lieu thereof insert "in cooperation with the experiment station of the State of California;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$290,000;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$674,930;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$312,860;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$350,000;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$170,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$212,480;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: On page 39 of the bill, in line 18, after the word "thousand," strike out the words "five hundred;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "\$85,000;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,000;" and the Senate agree to the same.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WM. B. BATE,
Managers on the part of the Senate.

Statement to accompany the conference report on the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The bill as it passed the House carried \$5,268,860. As it passed the Senate it carried \$6,108,360, of which sum, however, \$500,000 is not for the routine or current expenses of the Department, but is an "emergency appropriation," "to enable the Secretary of Agriculture to stamp out and eradicate foot-and-mouth disease and other contagious diseases of animals" should the necessity arise (and therefore may not be used at all), and the bill provides that it shall not be used for any other purpose; so that the actual amount for the current and routine work of the Department as passed by the Senate was \$5,608,360, and the amount carried by the bill as agreed to by your conferees is \$5,478,160, showing, therefore, an actual increase over the amount carried by the bill as it passed the House of \$209,300.

The following amendments, concurred in by your conferees, show the increases:

No. 1 adds to salary of private secretary to Secretary of Agriculture.	\$250
Nos. 24 and 25 add 1 clerk, class 4, and takes out 1 clerk, class 3, from salary roll of Bureau of Plant Industry, making a net increase of ..	200
No. 28 adds to Division of Vegetable Pathology ..	20,000
No. 30 adds to Division of Pomology ..	7,000
No. 32 adds to Division of Botany ..	10,000
No. 33 adds to Division of Grass and Forage Plants ..	5,000
No. 41 adds to Bureau of Forestry ..	58,860
No. 45 adds to Bureau of Soils ..	40,000
No. 48 adds to Division of Biological Survey ..	5,000
No. 49 provides for transportation of elk or other game animals presented to the Government ..	1,000
No. 51 adds to the salary of the Chief of Division of Accounts ..	750
Nos. 56, 57, and 58 changes the Division of Statistics to a bureau and adds to the salary of chief thereof ..	500
No. 63 adds to the general expenses of Bureau of Statistics ..	15,000
No. 68 adds to the general expenses of Division of Foreign Markets ..	1,000
No. 71 adds to the general expenses of Department library ..	2,000
No. 75 adds to appropriations for Agricultural experiment stations ..	9,000
No. 82 adds for irrigation investigations ..	40,000
No. 83 adds to road investigation ..	5,000

Total increases .. 220,060

The following amendments, concurred in by your conferees, show the decreases:

No. 11. Salaries in Weather Bureau ..	\$40
No. 36. In the amount for seeds ..	10,000
No. 39. Salaries, Bureau of Forestry ..	720

Total decreases .. 10,760

Net increase .. 209,300

All other amendments (except 85) are mere corrections of totals, phraseology, and the like, and are not material.

Amendment numbered 85 is the "emergency appropriation" to enable the Secretary of Agriculture to stamp out any contagious diseases of animals should emergency arise, therefore the amounts carried by the bill as agreed upon are as follows:

For current and routine expenses ..	\$5,478,160
For emergency ..	500,000

Total .. 5,978,160

Mr. WADSWORTH. Mr. Speaker, the statement is so full, and covers all the details of the bill so well, that I do not care to consume any time, and I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS]. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for five minutes, and the House will please give him attention while he is heard.

Mr. WILLIAMS of Mississippi. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, a session of Congress, probably one of the most extraordinary ever held, is rapidly drawing to a close. Gentlemen on the other side of the Chamber are laboring to create the impression in the country that they are working with might and main to pass certain appropriation bills and other great public measures against the strenuous opposition of this side of the House, which they characterize as entirely indefensible.

I call attention to the fact that long before any controversy involving the filibuster, as they call it, arose on this floor, by the deliberate action of the Republicans in this House and their coparceners at the other end of the Capitol, all legislation demanded by the American public had been throttled and rendered hopeless. [Applause on the Democratic side.] Under the pretense of amending the interstate-commerce bill, defective as it was, you took away from its most potent features and rendered it even more useless than it has been during the fifteen years in which you have sat here and listened session after session to appeals for its effective amendment.

You also undertook to deal with the trusts, and how did you do

it? You placed in the Department of Commerce bill a little section of law about an inch long, as harmless as harmless could be, and then confessed its total inadequacy by reporting by the unanimous vote of the Republicans on the committee what is called the Littlefield trust bill, knowing that it would go to the other end of the Capitol and sleep the sleep that knows no waking. [Applause on the Democratic side.]

You did it because you knew that you could go to the country and again pretend that for want of time you could not enact effective trust legislation. I hold in my hand an expression of opinion by a reputable newspaper correspondent, a summing up of the situation, which I will read. You may jeer at it if you please. It embodies the opinions of the American people. It is the just censure of righteous conscience, passed upon a party which is evading the great public questions of the times and refusing to deal with them. [Applause on the Democratic side.]

The exhibition of brute force by the Republicans results from a fear they have that at an extra session of Congress they might be confronted with a demand for antitrust and tariff legislation. While there is a division of sentiment among the rank and file of the Republicans in Congress on the subject of trusts and tariff revision, the leaders are united in their determination that these questions shall not be fairly considered.

Men like Speaker D. B. HENDERSON, Representative JOHN DALZIEL, and Senator NELSON W. ALDRICH would be willing even to destroy the Administration of their own President, if that were necessary, to preserve the present iniquitous tariff and to protect the trusts from serious interference.

[Cries of "Oh" on the Republican side.]

And by the way, I may remark as I pass along that while there may be some resentment on this side of the Chamber, surfeit of not a little bad breeding on the other side makes things about even. The writer goes on to say:

They mistrust the power of men of their own party to resist the popular demand for a corrective of the existing evils, and they aim to render absolute their own domination of the legislative organization of Congress. These leaders fear an extra session, as do all the Republicans, and under the cover of a necessity for action on appropriation bills in order to avoid the immediate reassembling of Congress they are arbitrarily gathering into their hands a power sufficient not only to render the minority helpless, but to stifle a visible majority and to hold in subjection members of their own party.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. COCHRAN. Not until there is order enough for you to be heard. I decline to yield.

The SPEAKER pro tempore. The gentleman from Minnesota is out of order.

Mr. TAWNEY. What are you reading from?

Mr. COCHRAN. I am reading from the Washington correspondence of the Baltimore Sun, a very conservative Eastern paper, which ought to be followed by the distinguished Representative of the East from Minnesota.

Mr. TAWNEY. It would be if it was a Republican paper.

Mr. COCHRAN. Ah, you would follow Republican papers, would you? [Loud applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WADSWORTH. I yield the balance of my time to the gentleman from Illinois.

Mr. CANNON. I have listened with much interest to the clapping of hands and to the excuses made by our friends. [Laughter and applause on the Democratic side.] If you are not competent to do anything but that [clapping hands], and in perfect good temper, I am reminded, as illustrative of the position upon the part of our friends, as it seems to me, of one of Lincoln's stories—the first story I ever heard him tell on the stump.

Mr. WILLIAMS of Mississippi. That is too old.

Mr. CANNON. He said—and I think it applies to our friends—speaking of his opponent, that he reminded him of a mule that his father owned when he was a boy; and that the mule would bray and kick, and he never could tell whether the mule was braying at the kick or kicking at the bray. [Great laughter and applause.]

Mr. WADSWORTH. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. WADSWORTH. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 181, nays 2, answered "present" 16, not voting 152; as follows:

YEAS—181.

Adamson,	Boring,	Burleigh,	Clayton,
Alexander,	Boutell,	Burleson,	Connell,
Allen, Me.	Bowersock,	Burton,	Cooper, Tex.
Applin,	Brandegee,	Butler,	Cooper, Wis.
Bankhead,	Brick,	Calderhead,	Cromer,
Bartholdt,	Bristow,	Caldwell,	Crumacker,
Bartlett,	Brown,	Candler,	Currier,
Bates,	Burk, Pa.	Cannon,	Cushman,
Benton,	Burke, S. Dak.	Cassel,	Dallzell,
Bishop,	Burkett,	Clark,	Darragh,

De Armond,	Hill,	Mondell,	Snodgrass,
Dougherty,	Hitt,	Moody,	Southard,
Dovener,	Holliday,	Moon,	Southwick,
Draper,	Howard,	Morrell,	Sparkman,
Dwight,	Hull,	Morris,	Sperry,
Eddy,	Irwin,	Mudd,	Stark,
Elliot,	Jack,	Needham,	Stephens, Tex.
Esch,	Jackson, Kans.	Nevin,	Stevens, Minn.
Feely,	Jenkins,	Otjen,	Stewart, N. Y.
Finley,	Johnson,	Padgett,	Sulloway,
Fitzgerald,	Jones, Va.	Palmer,	Sulzer,
Flanagan,	Kitchin, Wm. W.	Parker,	Sutherland,
Fletcher,	Kluttz,	Payne,	Tate,
Flood,	Knapp,	Perkins,	Tawney,
Foerderer,	Kyle,	Powers, Mass.	Thomas, N. C.
Gaines, Tenn.	Lacey,	Randall, Tex.	Tirrell,
Gardner, W. Va.	Lamb,	Ransdell, La.	Tompkins, N. Y.
Gardner, Mich.	Lessler,	Reeder,	Trimble,
Gardner, N. J.	Lever,	Reeves,	Van Voorhis,
Gibson,	Lewis, Pa.	Richardson, Tenn.	Vreeland,
Gillet, N. Y.	Lindsay,	Robb,	Wachter,
Gooch,	Livingston,	Robinson, Ind.	Wadsworth,
Gordon,	Lloyd,	Rucker,	Wagoner,
Graff,	Long,	Ryan,	Wanger,
Green, Pa.	Loud,	Scott,	Warner,
Greene, Mass.	Loudenslager,	Selby,	Warnock,
Griggs,	Lovering,	Shattuc,	Weeks,
Grosvenor,	McAndrews,	Showalter,	Williams, Ill.
Hamilton,	McCleary,	Sibley,	Williams, Miss.
Hanbury,	McClellan,	Sims,	Woods,
Haskins,	McLachlan,	Slayden,	Wright,
Haugen,	Marshall,	Small,	Young,
Hay,	Martin,	Smith, Ill.	Zenor.
Hedge,	Mercer,	Smith, Iowa	
Henry, Conn.	Miers, Ind.	Smith, H. C.	
Hepburn,	Miller,	Smith, S. W.	

NAYS—2.

Russell, Sheppard.

ANSWERED "PRESENT"—16.

Burgess,	Cowherd,	Mann,	Prince,
Capron,	Emerson,	Minor,	Richardson, Ala.
Cassingham,	Foster, Vt.	Moss,	Shackelford,
Cousins,	Joy,	Olmsted,	Steele.

NOT VOTING—152.

Acheson,	Deemer,	Ketcham,	Pugsley,
Adams,	Dick,	Kitchin, Claude	Reid,
Allen, Ky.	Dinsmore,	Kleberg,	Rhea,
Babcock,	Douglas,	Knox,	Rixey,
Ball, Del.	Driscoll,	Landis,	Roberts,
Ball, Tex.	Edwards,	Lassiter,	Robertson, La.
Barney,	Evans,	Latimer,	Robinson, Nebr.
Beidler,	Fleming,	Lawrence,	Ruppert,
Bell,	Fordney,	Lester,	Scarborough,
Bellamy,	Foss,	Lewis, Ga.	Schirm,
Belmont,	Foster, Ill.	Littauer,	Shafroth,
Billmeyer,	Fowler,	Little,	Shallenberger,
Bingham,	Fox,	Littlefield,	Shelden,
Blackburn,	Gardner, Mass.	McCall,	Sherman,
Blakeney,	Gilbert,	McCulloch,	Skiles,
Bowie,	Gill,	McDermott,	Smith, Ky.
Brantley,	Gillett, Mass.	McLain,	Smith, Wm. Alden
Breazeale,	Glass,	McRae,	Snook,
Bromwell,	Glenn,	Maddox,	Spight,
Broussard,	Goldfogle,	Mahon,	Stewart, N. J.
Brownlow,	Graham,	Mahoney,	Storm,
Brundidge,	Griffith,	Maynard,	Swann,
Bull,	Grow,	Metcalf,	Swanson,
Burnett,	Heatwole,	Meyer, La.	Talbert,
Cochran,	Hemenway,	Mickey,	Taylor, Ohio
Conner,	Henry, Miss.	Morgan,	Taylor, Ala.
Conry,	Henry, Tex.	Mutchler,	Thayer,
Coombs,	Hildebrandt,	Napen,	Thomas, Iowa
Cooney,	Hooker,	Neville,	Thompson,
Corliss,	Hopkins,	Newlands,	Tompkins, Ohio
Creamer,	Howell,	Norton,	Underwood,
Crowley,	Hughes,	Overstreet,	Vandiver,
Curtis,	Jackson, Md.	Patterson, Pa.	Watson,
Dahle,	Jett,	Patterson, Tenn.	Wheeler,
Davey, La.	Jones, Wash.	Pearre,	White,
Davidson,	Kahn,	Pierce,	Wiley,
Davis, Fla.	Kehoe,	Pou,	Wilson,
Dayton,	Kern,	Powers, Me.	Wooten.

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. OVERSTREET with Mr. NEVILLE.

Mr. HEMENWAY with Mr. SHALENBERGER.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. CAPRON with Mr. STEPHENS of Texas.

Mr. LAWRENCE with Mr. NAPHEN.

Mr. FORDNEY with Mr. UNDERWOOD, on this vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 28, 1903:

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia.

H. R. 7648. An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post road;

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901;

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation; and

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

On March 2, 1903:

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased; and

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6745. An act for the relief of Anthony R. Ravenscroft;

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia;

H. R. 6703. An act for the relief of George A. Rogers;

H. R. 16186. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;

H. R. 7366. An act for the relief of C. W. Colehour;

H. R. 16842. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 17046. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 12098. An act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6895. An act to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States.

ENROLLED BILLS PRESENTED TO PRESIDENT OF UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;

H. R. 15362. An act granting an increase of pension to Grace Harrington;

H. R. 15422. An act granting an increase of pension to John Mosgrove;

H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;

H. R. 14475. An act granting an increase of pension to David E. Lawton;

H. R. 14788. An act granting an increase of pension to Frank E. Hill;

H. R. 7895. An act granting an increase of pension to Sarah Bowen;

H. R. 13004. An act granting an increase of pension to Peter B. Rouch;

H. R. 12841. An act granting an increase of pension to William King;

H. R. 13316. An act granting an increase of pension to Benjamin F. Olcott;

H. R. 16996. An act granting an increase of pension to John Bougher;

H. R. 16696. An act granting an increase of pension to Free-land H. Amick;

H. R. 16856. An act granting an increase of pension to John Burke;

H. R. 16786. An act granting an increase of pension to John C. Sautter;

H. R. 16787. An act granting an increase of pension to Richard G. Hanscom;

H. R. 16785. An act granting an increase of pension to Collins W. Wight;

H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;

H. R. 15733. An act granting an increase of pension to Martin G. Cole;

H. R. 15674. An act granting an increase of pension to John A. T. McPherson;

H. R. 16351. An act granting an increase of pension to Austin P. Merrell;

H. R. 16313. An act granting an increase of pension to James L. Davenport alias Dexter Davis;

H. R. 16210. An act granting an increase of pension to John C. Collahan;

H. R. 16073. An act granting an increase of pension to John H. Smith;

H. R. 15746. An act granting an increase of pension to Daniel R. Lucas;

H. R. 15735. An act granting an increase of pension to John H. Wheeler;

H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;

H. R. 659. An act granting an increase of pension to Winfield Pierce;

H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;

H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;

H. R. 8149. An act granting an increase of pension James B. Martin;

H. R. 7438. An act granting an increase of pension to Byron C. Knapp;

H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;

H. R. 3265. An act granting an increase of pension to Henry Pensing;

H. R. 3353. An act granting an increase of pension to John H. Kehn;

H. R. 6724. An act granting an increase of pension to Julia Stilwell;

H. R. 8711. An act granting an increase of pension to William C. Crawford;

H. R. 9570. An act granting an increase of pension to Isaac Gabrian;

H. R. 9491. An act granting an increase of pension to John W. Brattain;

H. R. 9154. An act granting an increase of pension to Lillie V. Ball;

H. R. 8812. An act granting an increase of pension to Henry Staff;

H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;

H. R. 6876. An act granting an increase of pension to Thomas B. Faught;

H. R. 12771. An act granting a pension to William Kenny;

H. R. 10175. An act granting a pension to Mary R. Bally, formerly Mary S. Redick;

H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 7864. An act to pay John F. Lawson \$237.96, balance due him for services as United States mail carrier;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 14384. An act to establish a life-saving station at the mouth of the Black River, at or near the city of Lorain, in the State of Ohio;

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 16573. An act to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

H. R. 16970. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 15248. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

H. R. 16069. An act authorizing the Secretary of the Interior to sell certain lands therein mentioned; and

H. R. 16656. An act regulating the importation of breeding animals.

IMMIGRATION BILL.

Mr. SHATTUC. Mr. Speaker, I present a conference report on the immigration bill.

The SPEAKER. The gentleman from Ohio calls up a conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12199) "To regulate the immigration of aliens into the United States," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 9, 23, 29, 38, 41, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 115, and agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with two amendments as follows:

On page 24, line 12, after the word "deported," strike out the words, "and in all cases the burden shall be on the alien to show clearly and beyond a doubt that he is entitled to land."

On page 25, line 2, strike out the words: "Provided, That nothing in this section or in this act shall be construed to prevent the Secretary of the Treasury from arranging from time to time, and it shall be his duty so to arrange, in accordance with existing contracts with railroad and steamship lines in foreign contiguous territory, or in accordance with such contracts as he may enter into in the future with such or other transportation lines, for the examination and payment of head tax of aliens landing in ports in said foreign contiguous territory and destined for the United States, such examination to be held at such ports or places in said foreign contiguous territory as the Secretary of the Treasury may designate. Such examination shall, in the discretion of the Secretary of the Treasury, dispense with the necessity for further examination at United States border ports under this act."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

On page 29, line 21, after the word "and," insert the word "if," after the word "it," strike out the word "seems" and insert the words "is proved," and in line 23, after the word "came," insert the words "and is so certified by the examining surgeon at the port of arrival;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

On page 30, line 16, after the word "prescribe," change the colon to a period and strike out the words "Provided, That no such person shall be allowed to enter as an immigrant;" and the Senate agree to the same.

W. B. SHATTUC,
ROBT. ADAMS, JR.,
Managers on the part of the House.
BOIES PENROSE,
CHARLES W. FAIRBANKS,
H. C. LODGE,
A. S. CLAY,
A. J. McLAURIN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States submits the following statement of the effect of the action taken by the conferees:

The Senate amended the bill by substituting the words "alien immigrants" for the word "passenger" as originally provided in the House bill. The provision relates to the collection of the head tax. The House conferees were of the opinion that under the Senate amendment there would be no way of determining as to who was an alien immigrant, except by the statement of the alien immigrant himself. The Senate recedes from this amendment wherever it occurs and adopts the language of the House bill.

The educational test prescribed by the House bill was eliminated by the Senate in amendment No. 10. The House conferees have agreed to this amendment, and the educational test has been eliminated from the bill.

The Senate added two sections to the bill (amendments 114 and 115), containing what is known as the anarchist provision. This embodies the most important features of a House bill favorably reported by the Judiciary Committee of the House. The House conferees have agreed to this amendment.

The House conferees have concurred in the Senate amendment striking out the part of the bill relating particularly to the contract-labor law, leaving intact the contract-labor laws heretofore enacted and now on the statute books, the only variation being that the words "offers, solicitations, or promises," were substituted for the word "contracts."

The Senate amendments relating to the administrative features of the bill have been agreed to, and in the opinion of the conferees are a great improvement over the old law.

Amendment No. 9: The Senate struck out the word "unemployed" in the sentence, "That skilled labor may be imported if labor of like kind unemployed can not be found in this country."

The Senate recedes from this amendment.

In amendments 28 and 29 the Senate inserted the word "willfully" in the provision relating to masters and owners of vessels who shall bring into the United States any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter. The Senate recedes from this amendment, and this, in the opinion of the House conferees, materially increases the efficiency of the law.

The Senate recedes from its amendments numbered 41 and 42, substituting the word "sum" for the words "fine imposed."

The other amendments agreed to by the House conferees are verbal or formal in their character.

W. B. SHATTUC,
ROBERT ADAMS, JR.,
Conferees on the part of the House.

Mr. SHATTUC. Mr. Speaker, I want to be notified when I have occupied two minutes. This bill is not exactly what the Committee on Immigration wanted, and it is not exactly what the House wanted, but like all matters of legislation it is the best that we could get. I will say that a large majority of the amendments suggested by the Senate with the amendments agreed to by the conferees and put into the Senate amendments have greatly improved the bill. As stated by the conferees of the House, the educational test is left out. Many gentlemen on the floor will regret that, but it could not be passed in the Senate, and so it was left out.

I want to say that the bill is in every respect very much better than the law as it stands to-day. My friend from Alabama made a statement to-day that we were neglecting the interests of the laboring man because the contract-labor part of the bill was stricken out by the Senate. He forgot that the bill itself provides that all laws not inconsistent with this, if it becomes a law, are in force. So the old law remains in force, and it is a very good law in protecting the interests of labor.

Mr. RANDELL of Texas. Mr. Speaker, a point of order.

The SPEAKER. The two minutes of the gentleman has expired.

Mr. SHATTUC. I will yield five minutes to—

Mr. RANDELL of Texas. Mr. Speaker, I rise to a point of order.

The SPEAKER. To whom does the gentleman from Ohio yield?

Mr. SHATTUC. I yield five minutes to my friend from Missouri [Mr. ROBB].

The SPEAKER. Now the gentleman from Texas will state his point of order.

Mr. RANDELL of Texas. The first point that I will state is not the one that I intended to make when I rose. Is the action of the Chair in accordance with the rules when he refuses to hear me on a point of order until he recognizes some other gentleman and then allows him to yield the floor to another?

The SPEAKER. The Chair did not understand to whom the gentleman from Ohio yielded, and the Chair had the right to understand that before the point of order was entertained. Now, the gentleman from Texas will please state his point of order.

Mr. RANDELL of Texas. The point of order I was going to state originally was that when a member on this floor— [Derisive and continuous laughter on the Republican side.]

The SPEAKER (after a pause). The gentleman from Missouri is recognized for five minutes.

Mr. RANDELL of Texas. But, Mr. Speaker, I rose to a point of order.

The SPEAKER. The gentleman from Texas was asked to state his point of order and did not state it.

Mr. RANDELL of Texas. I was interrupted by a sound "like the crackling of thorns under a pot." [Laughter.]

The SPEAKER. The gentleman from Texas is out of order, and the gentleman from Missouri will proceed.

Mr. ROBB. Mr. Speaker, I did not sign the report of the conferees. The bill as it will in all probability be passed is not, in my judgment, improved by the Senate amendments. It is no time, however, for discussing all the questions involved in these amendments, and I therefore desire to yield my time to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker—

The SPEAKER. The gentleman from Missouri is entitled to four minutes.

Mr. RUCKER. I desired very much to ask the chairman of the committee, always genial and pleasant, to answer a question, but he declined to do so.

Mr. SHATTUC. May I tell the gentleman why?

Mr. RUCKER. Oh, I know why, and no apologies are necessary. I will ask the gentleman the question now. Do I understand that the conference report leaves Senate amendment No. 8 out of the bill?

Mr. SHATTUC. What is it?

Mr. RUCKER. It is that part that relates to immigrants coming here.

Mr. SHATTUC. Yes; it strikes that out, but this does not repeal the present labor law.

Mr. RUCKER. Mr. Speaker, it seems to me that this was a very wise provision of the bill as it left the House, and ought to be in the bill now, especially in view of the fact that some other language is left in which, to my mind, puts the House in an awkward attitude. I call attention to line 13, page 4, that part of the section which reads as follows:

But this section shall not be held to prevent any person living in the United States from sending for a relative or friend who is not in the foregoing classes.

They struck out everything that excludes those that come under contract or promise or offers or solicitation or agreements to work, and it seems to me that that opened up the flood gates and permits ever foreign-born citizen or person to come here and practically under contract to perform labor.

Mr. SHATTUC. But the law already excludes them.

Mr. RUCKER. Then what was the reason of putting it in in the first place? And if it was put in, why ought it not to stay there?

Mr. SHATTUC. Because the Senators would not listen to the persuasive language of your conferees. [Laughter.]

Mr. RUCKER. Does this bill modify the contract-labor law?

Mr. SHATTUC. Not at all.

Mr. RUCKER. It is still in force. That was the impression of every member on the committee before reporting this bill.

Mr. SHATTUC. It has been a very effective labor law.

Mr. RUCKER. This law in no wise modifies that?

Mr. SHATTUC. Not at all.

Mr. RUCKER. So that under this bill no person will be permitted to come in under a contract of labor, or upon offers or solicitation for the performance of work of any kind?

Mr. SHATTUC. No, sir.

Mr. LACEY. Does not this bill modify the law as to skilled labor?

Mr. GROSVENOR. Allow me to say that, as I understand this bill—and I have very carefully looked into this point—the provision that “all laws and parts of laws inconsistent with this act are hereby repealed” excludes the idea that the bill will repeal any law that is not inconsistent with its provisions. Therefore I think the contract-labor provisions of the existing law will stand as perfectly as they did before the bill was brought in.

Mr. RUCKER. Let me ask the gentleman how he explains this language:

But this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes.

Mr. GROSVENOR. I confess that that part of the bill had not been called to my attention. I was looking only to see whether the provisions of existing law with regard to contract labor had been affected by this measure.

Mr. SHATTUC. I yield the balance of my time to my colleague, the gentleman from Pennsylvania [Mr. ADAMS].

The SPEAKER. The gentleman from Ohio [Mr. SHATTUC] has three minutes remaining.

Mr. ADAMS. Mr. Speaker, I desire to congratulate my colleagues of the House as well as the country at large on the completion of this bill. For many weeks in the first session of this Congress your committee sat here considering all the questions presented in regard to the conflicting interests of those who had something at stake in the passage of this bill. Owing to the change of the sources of immigration from the northern countries of Europe to those in the south, a different class of people had been coming to our shores. There was practically nothing standing in their way but a series of Treasury Department decisions, which had been promulgated in an effort to cure this evil. These have been carefully collated and placed in this bill. It is now in such a shape that it will stand as a barrier to protect our country against the influx of diseased persons, paupers, insane, professional beggars, and others who are now pouring into our ports.

Mr. ROBB rose.

Mr. ADAMS. I can not yield.

Mr. Speaker, this bill has been drawn in a spirit of fairness for all the interests concerned. The Senate has differed somewhat from the House; but I never saw a fairer spirit of conciliation or a greater desire to complete efficient legislation than existed between the conferees of the two Houses.

The bill is now submitted to the consideration of the House. In the judgment of the committee, after careful consideration, it will meet the great evils which are now pressing upon our country. All immigrants not desirable can be excluded under the provisions of this bill.

It is true that we were obliged to leave out that portion of the bill providing for an educational test because the Senate conferees gave us notice that the retention of that by the House meant the failure of the bill. Like sensible men, dealing with legislation which, as we all know, is always a matter of compromise, we yielded on that point, and now report the bill for the consideration of the House. It is carefully guarded in those respects which were most carefully pressed upon our attention, and it will be utterly impossible for paupers or other objectionable persons now to enter our country.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. I ask leave to extend my remarks in the RECORD.

Mr. RICHARDSON of Tennessee. I object.

Mr. PAYNE. I move that the House now take a recess until 11 o'clock to-morrow morning.

The SPEAKER (having put the question). The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. PAYNE. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 47, answered “present” 13, not voting 157; as follows:

YEAS—134.

Acheson,	Cushman,	Joy,	Reeder,
Adams,	Dalzell,	Kyle,	Reeves,
Alexander,	Darragh,	Lacey,	Roberts,
Allen, Me.	De Armond,	Lessler,	Scott,
Applin,	Dougherty,	Lewis, Pa.	Shattuc,
Babcock,	Dovenor,	Littauer,	Showalter,
Bartholdt,	Draper,	Littlefield,	Sibley,
Bates,	Driscoll,	Long,	Small,
Beidler,	Dwight,	Loudenslager,	Smith, Ill.
Bishop,	Eddy,	Lovering,	Smith, Iowa
Blackburn,	Esch,	McCleary,	Smith, H. O.
Boreing,	Foerderer,	McLachlan,	Smith, S. W.
Boutell,	Fordney,	Mahon,	Southard,
Bowersock,	Gardner, Mass.	Marshall,	Southwick,
Brandegge,	Gardner, Mich.	Martin,	Sperry,
Brick,	Gardner, N. J.	Mercer,	Steele,
Bristow,	Gibson,	Miller,	Stevens, Minn.
Brown,	Graft,	Minor,	Stewart, N. Y.
Burk, Pa.	Greene, Mass.	Mondell,	Sulloway,
Burke, S. Dak.	Grosvenor,	Moody,	Sutherland,
Burkett,	Hamilton,	Morgan,	Tawney,
Burleigh,	Hanbury,	Morrill,	Tirrell,
Burton,	Haskins,	Morris,	Tompkins, N. Y.
Butler,	Haugen,	Mudd,	Van Voorhis,
Calderhead,	Heatwole,	Needham,	Vreeland,
Cannon,	Hedge,	Nevin,	Wadsworth,
Capron,	Hemenway,	Olmsted,	Wagoner,
Cassel,	Henry, Conn.	Otjen,	Warner,
Connell,	Hepburn,	Palmer,	Warnock,
Corliss,	Holliday,	Parker,	Woods,
Cousins,	Irwin,	Payne,	Wright,
Cromer,	Jack,	Perkins,	Young.
Crumpacker,	Jenkins,	Powers, Me.	
Currier,	Jones, Va.	Powers, Mass.	

NAYS—47.

Bartlett,	Gaines, Tenn.	McAndrews,	Selby,
Benton,	Goldfogle,	McClellan,	Shackleford,
Burleson,	Gooch,	Miers, Ind.	Sheppard,
Candler,	Green, Pa.	Moon,	Sims,
Clark,	Griggs,	Mutcher,	Snodgrass,
Clayton,	Hay,	Randall, Tex.	Tate,
Cowherd,	Jackson, Kans.	Richardson, Tenn.	Thomas, N. C.
Feely,	Kitchin, Wm. W.	Robb,	Trimble,
Finley,	Kluttz,	Robinson, Ind.	Williams, Ill.
Fitzgerald,	Lamb,	Rucker,	Williams, Miss.
Flanagan,	Lever,	Russell,	Zenor.
Flood,	Lindsay,	Ryan,	

ANSWERED “PRESENT”—13.

Burgess,	Gillett, Mass.	Patterson, Pa.	Wanger.
Cassingham,	Mann,	Richardson, Ala.	
Elliott,	Metcalf,	Sherman,	
Foster, Vt.	Moss,	Slayden,	

NOT VOTING—157.

Adamson,	Douglas,	Kleberg,	Robinson, Nebr.
Allen, Ky.	Edwards,	Knapp,	Ruppert,
Ball, Del.	Emerson,	Knox,	Scarborough,
Ball, Tex.	Evans,	Landis,	Schirm,
Bankhead,	Fleming,	Lassiter,	Shafroth,
Barney,	Fletcher,	Latimer,	Shallenberger,
Beil,	Foss,	Lawrence,	Shelden,
Bellamy,	Foster, Ill.	Lester,	Skiles,
Belmont,	Fowler,	Lewis, Ga.	Smith, Ky.
Billmeyer,	Fox,	Little,	Smith, Wm. Alden
Bingham,	Gaines, W. Va.	Livingston,	Snook,
Blakeney,	Gill,	Lloyd,	Sparkman,
Bowie,	Gillet, N. Y.	Loud,	Spight,
Brantley,	Glass,	McCall,	Stark,
Breazeale,	Glenn,	McCulloch,	Stephens, Tex.
Bromwell,	Gordon,	McDermott,	Stewart, N. J.
Broussard,	Graham,	McLain,	Storm,
Brownlow,	Griffith,	McRae,	Sulzer,
Brundidge,	Grow,	Maddox,	Swann,
Bull,	Henry, Miss.	Mahoney,	Swanson,
Burnett,	Henry, Tex.	Maynard,	Talbert,
Caldwell,	Hildebrand,	Meyer, La.	Taylor, Ohio
Cochran,	Hill,	Mickey,	Taylor, Ala.
Conner,	Hitt,	Napen,	Thayer,
Conry,	Hooker,	Neville,	Thomas, Iowa
Coombs,	Hopkins,	Newlands,	Thompson,
Cooney,	Howard,	Norton,	Tompkins, Ohio
Cooper, Tex.	Howell,	Overstreet,	Underwood,
Cooper, Wis.	Hughes,	Padgett,	Vandiver,
Creamer,	Hull,	Patterson, Tenn.	Wachter,
Crowley,	Jackson, Md.	Pearce,	Watson,
Curtis,	Jett,	Pierce,	Weeks,
Dahl,	Johnson,	Pou,	Wheeler,
Davey, La.	Jones, Wash.	Prince,	White,
Davidson,	Kahn,	Pugsley,	Wiley,
Davis, Fla.	Kehoe,	Ransdell, La.	Wilson,
Dayton,	Kern,	Reid,	Wooten.
Deemer,	Ketcham,	Rhex,	
Dick,	Kitchin, Claude	Robertson, La.	
Dinsmore,			

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this vote:

Mr. COOPER of Wisconsin with Mr. SULZER.

Until further notice:

Mr. WANGER with Mr. ADAMSON.

Mr. WACHTER with Mr. LLOYD.

The result of the vote was announced as above recorded; and accordingly (at 11 o'clock and 46 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow morning.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, transmitting, in response to the call of the House, a copy of correspondence relating to the recent resignation of the postmaster at Indianola—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect recommending appropriations for certain public buildings, etc.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 481) authorizing the Clerk of the House of Representatives to pay members' clerks at the rate of \$125 per month, reported the same without amendment, accompanied by a report (No. 3891); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 17551) to prevent and to punish the misuse of the copyright privilege of the United States, to prevent and punish the misuse of names, signs, symbols, and other things concerning Government publications, and for other purposes, reported the same without amendment, accompanied by a report (No. 3892); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 80) to print 1,000 extra copies of the bulletins or reports of the Secretary of Agriculture, reported the same without amendment, accompanied by a report (No. 3893); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 272) providing for the printing of 2,000 additional copies of the annual reports of the American Historical Association, reported the same without amendment, accompanied by a report (No. 3894); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 77) providing for the printing and binding of 14,000 copies of the proceedings at the unveiling of the statue of the Count de Rochambeau, reported the same without amendment, accompanied by a report (No. 3895); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 75) that there be printed and bound 4,000 copies of the Report of the Irrigation Investigations in Utah, reported the same without amendment, accompanied by a report (No. 3896); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 232) providing for change of method of printing the Report on Field Operations of the Bureau of Soils, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 3897); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 68) that there be printed 3,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes, reported the same without amendment, accompanied by a report (No. 3898); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 85) that there be printed 19,000 copies of the general summary entitled, "Review of the World's Commerce," for the year 1902, etc., reported the same without amendment, accompanied by a report (No. 3899); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 153) to print 6,000 copies of various reports and documents relating to the construction of an isthmian canal, reported the same without amendment, accompanied by a report (No. 3900); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 86) providing for the printing of 2,000 copies of Senate Document No. 190, Fifty-sixth Congress, second session, reported the same without amendment, accompanied by a report (No. 3901); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 270) providing for the editions to be printed of the annual and special reports of the Librarian of Congress, reported the same without amendment, accompanied by a report (No. 3902); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 281) providing for the printing annually of the Report of the Director of the Office of Experiment Stations, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 3903); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 88) providing for the printing of 300 copies each of the proceedings of the Board of Supervising Inspectors of Steamboats for the years 1899, 1900, 1901, and 1902, reported the same without amendment, accompanied by a report (No. 3904); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 67) that there be printed 6,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for 1901; also 8,000 additional copies of the Report of the Director of the Mint covering operations of mints and assay offices of the United States for the year ended June 30, 1902, reported the same without amendment, accompanied by a report (No. 3905); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 61) that 15,000 copies of the Woodsman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound, reported the same without amendment, accompanied by a report (No. 3906); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 63) that there be printed and bound 16,500 copies of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, reported the same without amendment, accompanied by a report (No. 3907); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 66) that there be printed 1,500 copies of the first volume of the new edition of the Senate Election Cases, reported the same without amendment, accompanied by a report (No. 3908); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 77) providing for printing the general index to published volumes of the diplomatic correspondence and foreign relations of the United States, reported the same without amendment, accompanied by a report (No. 3909); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res.

90) providing for the printing of 239,000 United States maps, reported the same with amendments, accompanied by a report (No. 3910); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution of the Senate (S. R. 149) providing for the reproduction of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates, reported the same without amendment, accompanied by a report (No. 3911); which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 259) providing for change of method of distribution of bulletins and professional papers issued by the Geological Survey, reported the same with amendments, accompanied by a report (No. 3912); which said joint resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MICKEY: A bill (H. R. 17547) granting bounty to certain soldiers of the war of the rebellion—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 17548) to provide for the enlargement of the United States court-house and post-office at Council Bluffs, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE, from the Committee on Printing: A bill (H. R. 17551) to prevent and to punish the misuse of the copyright privilege of the United States, to prevent and punish the misuse of names, signs, symbols, and other things concerning Government publications, and for other purposes—to the House Calendar.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 282) to regulate the garb of diplomatic and consular representatives of the United States in foreign countries—to the Committee on Foreign Affairs.

By Mr. GIBSON: A resolution (H. Res. 482) that whenever the Speaker shall lay before the House any private bill with Senate amendment or amendments, the question shall be at once taken, without intervening motion or debate, on the motion to concur in said amendment or amendments in gross, etc.—to the Committee on Rules.

By Mr. MARTIN: Memorial from the legislature of South Dakota, to repeal the duty on lumber—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Memorial from the legislature of South Dakota, to repeal the duty on lumber—to the Committee on Ways and Means.

By Mr. WM. ALDEN SMITH: Memorial from legislature of Michigan, asking for the passage of House joint resolution 144—to the Committee on Railways and Canals.

By the SPEAKER: Memorial of the legislature of Arizona, relating to the Pima and Santa Cruz County bonds—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COOPER of Texas: A bill (H. R. 17549) granting a pension to J. J. Spray—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 17550) for the relief of J. I. Catney—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 17552) to incorporate the American National Institute (Prix de Paris) at Paris, France—to the Committee on the Library.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of Rabbi Itzschok Elchoner Lodge, No. 132, of St. Louis, Mo., Order of B'rith Abraham, asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, petitions of Mount Pleasant Lodge, No. 66, and St. Louis Lodge, No. 290, Order of Mutual Protection, in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the St. Louis Nailers' Union, No. 3, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of 15 citizens of St. Louis, Mo., urging the passage of House bill for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Texas: Paper to accompany House bill granting a pension to J. J. Spray—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of the Grand Army of the Republic, Department of New York, in favor of House bill 14105, amending section 1754 of the Revised Statutes—to the Committee on Reform in the Civil Service.

Also, petition of Calvary Methodist Episcopal Church, of New York, to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DRISCOLL: Petition of the Grand Army of the Republic, Department of New York, asking for the passage of House bill 14105, amendatory of section 1754, Revised Statutes, concerning the preference of veterans of the civil war in the civil service—to the Committee on Reform in the Civil Service.

By Mr. FITZGERALD: Petition of the Grand Army of the Republic, Department of New York, urging the passage of House bill 14105, amendatory of section 1754, Revised Statutes, concerning the preference of veterans of the civil war in the civil service—to the Committee on Reform in the Civil Service.

By Mr. GRAHAM: Resolution of Anchor Line Division, No. 217, of Bennett, Pa., Order of Railway Conductors, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GOOCH: Sundry papers relating to the claim of J. W. Knox—to the Committee on War Claims.

By Mr. GROSVENOR: Protests against the passage of the bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, from the following: T. C. Spears, of Cripple Creek, Colo.; the Joseph Y. Peeble's Sons Company, of Cincinnati, Ohio; the H. D. Lee Mercantile Company, of Salina, Kans.; Fred G. H. Woerner, of Manayunk, Pa.; E. E. Martin, of Cripple Creek, Colo.; the Hichs Company, of Shreveport, La.; Albert R. Dunn, of Easton, Pa.; Arthur Knecht, of Cripple Creek, Colo.; Chas. H. Platter, president Waples-Platter Cigar Company, of Dallas, Tex.; F. C. Stedman & Co., of Athens, Ohio; W. W. Blake, of Altoona, Pa.; Kansas City Wholesale Grocery Company and Campbell-Redell Wholesale Grocers, of Kansas City, Mo.; Allen Brothers Company, of Omaha, Nebr.; Fort Smith Wholesale Grocery Company, of Fort Smith, Ark.; National Grocer Company, of South Bend, Ind.; P. F. Murphy, president Penn Tobacco Company, of Philadelphia, Pa.; the E. S. Kibbe Company, of Hartford, Conn.; Conover & Bernhardt, of New Brunswick, N. J.; Sehon, Stevenson & Co., of Hagen, Ratcliff & Co., and Blake, Van Babber & Co., of Huntington, W. Va.; J. B. Stahl, J. E. Shute, Altamont Barber, and Harry J. Taylor, of Altoona, Pa.; Parkhurst-Davis Mercantile Company, of Topeka, Kans.; Charles Hewitt, C. C. Prouty Company, and Warfield-Pratt-Howell Company, of Des Moines, Iowa; Coleman-Lysaght & Blair, of Weatherford, Tex.; and Plunkett-Jarrell Grocer Company, of Little Rock, Ark.—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of Ellsworth Post, No. 20, Grand Army of the Republic, of Hartford, Mich., in support of House bill 17103, relative to homestead rights to public lands—to the Committee on the Public Lands.

Also, petition of Walter A. Ward, of Eau Claire, Mich., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JACK: Petition of the First Presbyterian Church of Elderton, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. OTJEN: Protest of Broom Makers' Union No. 1, of Milwaukee, Wis., against the passage of House bill 1364—to the Committee on Ways and Means.

By Mr. ROBERTS: Resolution of General Lander Post, No. 5, Grand Army of the Republic, of Lynn, Mass., against placing the statue of Gen. R. E. Lee in the United States Capitol—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petition of Amos Long and 20 other citizens of Lagrange County, Ind., in favor of the amendment to interstate-commerce law on liquor transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Resolutions of the convention of the Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., for the extension of reciprocal trade relations with other countries—to the Committee on Ways and Means.

By Mr. YOUNG: Petitions of F. J. Murphy, of the Pennsylvania Tobacco Company, and Dohan & Taft, Philadelphia, Pa., relating to the passage of House bill 16457, to amend section 3394 of the Revised Statutes of the United States—to the Committee on Ways and Means.

Also, resolution of the Pennsylvania Society for the Prevention of Cruelty to Animals, Philadelphia, Pa., protesting against the passage of the bill amending the law in relation to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, March 3, 1903.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

Mr. BAILEY. If the Senator from Massachusetts would let that matter stand until the Senator from Georgia [Mr. BACON] can be in the Chamber, it would oblige him very greatly, I know.

Mr. HOAR. I will do it, but I should like to observe that it is a little hard after a matter has been thoroughly discussed in the Senate, disposed of by a large majority, and then all the changes in the bill made in the House in the direction of yielding to the desires of the Senator from Georgia—everyone, as far as I understand it—then in the closing hours of the session to be constantly appealed to for further delay. But it is always very disagreeable to resist that sort of an appeal, and I will let the matter stand until the Senator from Georgia comes in.

Mr. BAILEY. Mr. President—

Mr. HOAR. I wish to say that I do not think it is quite fair, if we are to have a government in this country by a majority, to treat bills in that way. But I admit that there has been plenty of provocation upon our side of the Chamber at this session, and I am in no condition to lecture anybody on the other side. So I will let the matter drop until the Senator from Georgia comes in.

Mr. BAILEY. In behalf of the Senator from Georgia, I merely desire to say that what he wants is not delay, but an opportunity to discuss it. I think he has no disposition to unduly delay it.

Mr. HOAR. I have not any right to be preaching sermons from this particular spot in the Chamber just now, I agree.

STANDING AND SELECT COMMITTEES.

Mr. ALLISON. I ask leave to submit a resolution—I know it is out of order—and I ask that it may be considered at this time. The resolution was read, as follows:

Resolved, That the standing and select committees of the Senate, as constituted at the end of this session, be, and they are hereby, continued until the next regular session of Congress or until their successors are elected.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. Will that prevent the filling of one or two vacancies that may be needed to be filled at the special session?

Mr. ALLISON. Certainly not.

Mr. HOAR. I supposed not. I merely wanted to call attention to that fact. I think it would be desirable in the case of one or two committees, of which I am a member, to have one or two vacancies, at any rate, temporarily filled.

Mr. ALLISON. This does not interfere with the selection of committees or the reorganization of committees at the special session, if that course is considered desirable.

Mr. HOAR. The resolution says "until the next regular session."

Mr. ALLISON. Or until otherwise provided.

Mr. HOAR. I have not any objection to the resolution. It is all right. I merely called attention to that fact.

The resolution was agreed to.

EASTERN RAILROAD AND BOSTON AND MAINE RAILROAD.

Mr. ALLISON. Mr. President, I submit the conference report on the sundry civil appropriation bill.

Mr. LODGE. May I ask if that cuts off all morning business? The PRESIDENT pro tempore. It does. A conference report is entitled to receive consideration when presented.

Mr. LODGE. I wish to dispose of some morning business which will take but a moment. I introduced a Senate resolution making an inquiry for certain figures in regard to a claim.

The Senator from Alabama [Mr. PETTUS] asked that it might go over, supposing that it carried an appropriation. It carries no appropriation. It is a mere resolution of inquiry. The Senator from Alabama informed me subsequently that he had no objection, and I should be glad if that resolution could be agreed to. It comes over from yesterday.

Mr. ALLISON. The Senator knows, of course, how important it is to get the appropriation bills out of the way. However, I will yield if it will not take more than a moment.

Mr. LODGE. It will take but a moment. It is a resolution coming over from yesterday that I introduced.

The PRESIDENT pro tempore. If there be no objection, the Chair will lay before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. LODGE].

The resolution was read and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue, in examining the refunding claim of the Eastern Railroad Company of the State of Massachusetts, in pursuance of the act of Congress approved February 23, 1901, to examine and report to the Senate the amounts paid as taxes by the said Eastern Railroad Company and the Boston and Maine Railroad in excess of the amount legally due, under the acts of Congress approved July 1, 1862, June 30, 1864, July 14, 1870, and amendments thereof.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of James Frank Allee, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term beginning March 4, 1901; which were read and ordered to be filed.

He also presented the credentials of LEWIS HEISLER BALL, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term beginning March 4, 1899; which were read and ordered to be filed.

Mr. MITCHELL presented the credentials of Charles W. Fulton, chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17202) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 7, 8, 10, 11, 14, 15, 19, 23, 24, 26, 27, 30, 31, 39, 42, 43, 44, 48, 51, 52, 53, 54, 57, 58, 59, 63, 76, 77, 80, 85, 88, 97, 98, 99, 107, 109, 116, 117, 120, 123, 125, and 140.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 12, 16, 17, 18, 20, 21, 22, 25, 28, 29, 32, 33, 34, 35, 36, 38, 40, 41, 45, 47, 49, 55, 56, 61, 62, 64, 65, 66, 67, 68, 73, 74, 75, 78, 81, 82, 83, 84, 86, 87, 89, 90, 91, 92, 93, 95, 96, 100, 101, 102, 103, 104, 105, 106, 108, 118, 121, 122, 125, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 142, 144, 145, 146, 147, 148, 150, and 151.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "dollars," insert the following: "which sum shall be expended in such manner and under such plans as will complete in every detail each and every object mentioned in this paragraph;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$205,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,240;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and a contract is hereby authorized to be entered into for such machinery, appliances, and furniture, complete in every detail, for the operation of said mint at a total cost not exceeding \$225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: Insert after the word "entry," at the end of said amendment, the following: "but this proviso shall not apply to persons embraced in article 3 of the treaty with China of 1894;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 11 of the matter inserted by said amendment, before the word "Provided," insert "which sum, including the amount herein appropriated shall be paid one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia;" and after the word "same," at the end of said amendment, insert the following: "Provided further, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$235,950;" and at the end of the amended paragraph, after the word "available," insert the following: "of which sum